Appendix 2
ADOPTED MITIGATION MEASURES
Desert Sunlight Solar Farm Project

Note: Revisions are shown in strike-out (deleted) or underlined (added) text.

Mitigation Measure in the PA/FEIS*	Adopted (Yes/ Modified)	Modified Mitigation Measure and Reason for Modification
MM-AIR-1: Sunlight and SCE shall require all on-site construction equipment to meet EPA Tier 2 or higher emissions standards according to the following: • April 1, 2010, to December 31, 2011: All off-road diesel-powered construction equipment greater than 50 horsepower (hp) shall meet Tier 2 off-road emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by the California Air Resources Board (CARB). Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. • January 1, 2012, to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 3 off-road emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. • Post-January 1, 2015: All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. • A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided when each applicable unit of equipment is mobilized.	Modified	**Modified Mitigation Measure MM-AIR-1** **MM-AIR-1:** Sunlight and SCE shall require all on-site construction equipment to meet EPA Tier 2 or higher emissions standards according to the following: • April 1, 2010, to December 31, 2011: All off-road diesel-powered construction equipment greater than 50 horsepower (hp) shall meet Tier 2 off-road emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by the California Air Resources Board (CARB). Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. • January 1, 2012, to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 3 off-road emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. • Post-January 1, 2015: All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. • A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided when each applicable unit of equipment is mobilized. The BLM and CPUC shall require all on-site construction equipment to meet identified standards according to the schedule above, unless a good faith effort to the satisfaction of BLM and CPUC demonstrates that such engines are not available for a particular item of equipment. In the event that a certain tier engine is not available for any off-road equipment larger than 50 hp, that equipment shall be equipped with the next lower tier engine (e.g., if Tier 3 is not available use Tier 2), or an engine that is equipped with retrofit controls to reduce exhaust emissions of nitrogen oxides (NOx) and diesel particulate matter (DPM) to no more than the next available tier unless certified by engine manufacturers that the use of such devices is not practical for specific engine types. For purposes of this condition, the use of such devices is "not practical" for the following reasons: • There is no available retrofit control device that has been verified by either the California Air Resources Board or U.S. Environmental Protection Agency to control the engine in question to the applicable tier engine equivalent emission levels and

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		the highest level of available control using retrofit or the applicable tier engines is being used for the engine in question; or • The construction equipment is intended to be on site for 10 days or less. • The BLM may grant relief from this requirement if Sunlight and/or SCE can demonstrate a good faith effort to comply with this requirement and that compliance is not practical. **Reason for Modification** MM-AIR-1 is modified due to the practical implementation difficulties associated with the potential limited availability of such equipment in commercial fleets. This modification reflects similar language in other BLM approved large-scale solar projects such the Blythe Solar Power Project.
MM-AIR-2: Sunlight shall temporarily stockpile chipped or shredded vegetation debris from the Solar Farm site, then spread it on open areas of the site once construction activity has been completed on a subarea. This measure would eliminate a modest number of truck trips otherwise required to remove vegetation debris from the site.	Yes	
MM-AIR-3: Sunlight shall provide up to four re-applications of dust palliatives per year at the Solar Farm site to unpaved roads and parking areas and to the open areas between the rows of solar arrays. Re-applications of dust palliatives would reduce fugitive dust from on-site vehicle travel and would reduce the net increase in wind erosion from the Solar Farm site. This measure would increase annual operating costs and require a small number of additional truck trips to the Solar Farm site.	Yes	
MM-AIR-4: The Project construction contractor(s) shall: • Submit a transportation plan that describes how adherence to AM-AIR-5 will be achieved, thus minimizing daily construction worker trips to the maximum extent feasible; • Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of any issues related to PM10 generation; • Where available, use electricity from existing power poles rather than temporary diesel or gasoline power generators; and • Restrict construction delivery trucks to model year 2001 or newer.	Yes	
MM-BIO-1. Construction Monitoring. A BLM-approved biologist shall conduct construction monitoring during all construction activities to ensure that construction activities are contained within the staked and flagged construction areas at all times. The construction monitor shall also be present during all ground disturbing activities to either actively or passively relocate special status wildlife species, other than the desert tortoise, nesting bird species, and burrowing owl (e.g., rosy boa, chuckwalla, Palm Springs round-tailed squirrel, American badger, and Colorado Valley woodrat [and burro deer, Nelson's bighorn sheep, and mountain lion if need be]), found within the construction zones to a suitable location outside of the project footprint. The construction monitor shall also inspect fencing and netting at all construction ponds to ensure that the ponds are not accessible to potential avian or canid desert tortoise predators or to wildlife that could drown or become entrapped within the exclosures. Netting and fencing must prevent the ponds from becoming water source "subsidies" to predators or from becoming hazards to native wildlife. The construction monitor shall have the authority to stop work and report directly to the Applicant's Environmental Manager to ensure compliance with the Project Description, applicant-proposed	Yes	

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measures, and mitigation measures. The construction monitor shall provide the Applicant's Environmental Manager with weekly updates and quarterly monitoring reports. After construction has been completed, the construction monitor shall provide the Applicant's Environmental Manager with a final monitoring report. The Applicant's Environmental Manager shall provide BLM with weekly status updates on the status of construction and monitoring efforts and shall provide BLM with copies of the quarterly monitoring reports and the final monitoring report. BLM shall be responsible for ensuring that construction monitoring is conducted during all construction activities.		
MM-BIO-2, Off-site Compensation: 1. This Mitigation Measure provides further detail and specificity to the habitat compensation land requirements described in Applicant Measure AM-BIO-1. The draft Habitat Compensation Plan shall be revised to reflect acreages and habitat types as described herein, The revised habitat Compensation Plan shall be submitted for approval to BLM, USFWS, CDFG, and CPUC before its finalization and implementation. The Applicant (Sunlight or SCE) shall acquire and protect, in perpetuity, compensation habitat to mitigate impacts to biological resources listed below. The compensation lands shall be placed under conservation management to be funded through the terms described herein. The acreages and ratios shall be based upon final calculation of impacted acreage for each resource and on ratios set forth in Applicant Measure AM-BIO-1 and in the draft Habitat Compensation Plan dated 17 Dec 2010. Acreages of anticipated compensation requirements as summarized throughout this measure are based on impacts analysis of Alternative 1 in Sections 4.3 and 4.4 and ratios described in Applicant Measure AM-BIO-1. Acreages shall be adjusted as appropriate for other alternatives. • Desert dry wash woodland (101 acres at 3:1 ratio). • Occupied desert tortoise habitat (2,757 acres at 1:1 ratio; 1,214 acres at 2:1 ratio; 191 acres at 5:1 ratio). • occupied or suitable habitat for breeding or wintering burrowing owls (13 acres for each occupied burrow, estimated as two burrows), • state-jurisdictional streambeds (302 acres, including the desert dry wash woodland, above, at 3:1 ratio), • creosote bush scrub (4,072 acres at 1:1 ratio). • occupied foxtail cactus habitat (estimated as two acres, at 1:1 ratio), • undisturbed habitat for most wildlife species including desert kit fox and American badger (i.e., away from sources of noise or other disturbance such as highways, wind farms, etc.) (4,173 acres, at 1:1 ratio), • occupied chuckwalla and rosy boa habitat (Red Bluff Substation A site, 149 acres, at 1:1 ratio), • suitable/occupied upland shrubland nesting habitat for migratory birds (4,173 acres, at 1:1 ratio), • suitable foraging habitat for golden eagles, and within foraging range of a known nesting site (4,173 acres, at 1:1 ratio), • suitable or occupied roosting habitat for special status bats (101 acres desert dry wash woodland at Solar Farm B and 149 acres rocky slopes at Red Bluff Substation A), and • suitable or occupied habitat for Palm Springs round-tailed ground squirrel	Modified	**Modified Mitigation Measure MM-BIO-2** **MM-BIO-2**, Off-site Compensation: 1. This Mitigation Measure provides further detail and specificity to the habitat compensation land requirements described in Applicant Measure AM-BIO-1. The draft Habitat Compensation Plan shall be revised to reflect acreages and habitat types as described herein, The revised habitat Compensation Plan shall be submitted for approval to BLM, USFWS, CDFG, and CPUC before its finalization and implementation. The Applicant (Sunlight or SCE) shall acquire and protect, in perpetuity, compensation habitat to mitigate impacts to biological resources listed below. The compensation lands shall be placed under conservation management to be funded through the terms described herein. The acreages and ratios shall be based upon final calculation of impacted acreage for each resource and on ratios set forth in Applicant Measure AM-BIO-1 and in the draft Habitat Compensation Plan dated 17 Dec 2010. 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Acreages shall be adjusted as appropriate for other alternatives. • Desert dry wash woodland (101 acres at 3:1 ratio). • Occupied desert tortoise habitat (2,757 acres at 1:1 ratio; 1,214 acres at 2:1 ratio; 191 acres at 5:1 ratio). • occupied or suitable habitat for breeding or wintering burrowing owls (13 acres for each occupied burrow, estimated as two burrows), • state-jurisdictional streambeds (302 acres, including the desert dry wash woodland, above, at 3:1 ratio), • creosote bush scrub (4,072 acres at 1:1 ratio). • occupied foxtail cactus habitat (estimated as two acres, at 1:1 ratio), • undisturbed habitat for most wildlife species including desert kit fox and American badger (i.e., away from sources of noise or other disturbance such as highways, wind farms, etc.) (4,173 acres, at 1:1 ratio), • occupied chuckwalla and rosy boa habitat (Red Bluff Substation A site, 149 acres, at 1:1 ratio), • suitable/occupied upland shrubland nesting habitat for migratory birds (4,173 acres, at 1:1 ratio), • suitable foraging habitat for golden eagles, and within foraging range of a known nesting site (4,173 acres, at 1:1 ratio), • suitable or occupied roosting habitat for special status bats (101 acres desert dry wash woodland at Solar Farm B and 149 acres rocky slopes at Red Bluff

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(estimated as 92 acres, based on Gen-Tie Line A-1 disturbance), Colorado Valley woodrat (estimated as 149 acres at Red Bluff Substation A location).

Of the resources listed above, BLM's focus is on desert dry wash woodland, occupied desert tortoise habitat, occupied or suitable habitat for breeding or wintering burrowing owls, and state-jurisdictional streambeds.

Under Alternative 1, a total of 4,176 acres would be disturbed. Total habitat compensation lands shall be no fewer than 6,707 acres, including, at minimum, 6,140 acres of occupied desert tortoise habitat and 819 acres of state-jurisdictional streambeds (including at least 288 acres of desert dry wash woodland). Further details are described in text and Table 4.3-10, below. Final compensation requirements shall be adjusted to account for any deviations in project disturbance, according to final design, as-built project footprint or, if a different Project alternative is approved, adjusted to reflect that alternative. Desert Sunlight shall be responsible for all compensation for habitat disturbance at the Solar Farm Layout and Gen-Tie Lines; SCE shall be responsible for all compensation for habitat disturbance at the Red Bluff Substation site.

Table 4.3-10
Minimum Total Compensation Acreage

Resource	Acres of Impact	Compensation Ratio	Compensation Acres
Previously disturbed (no compensation)	3	0	0
Desert tortoise habitat (moderate density)[1]	1,214	2:1	2,428
State-jurisdictional desert dry wash and desert dry wash woodland (302 ac.), less 24 acres desert dry wash woodland within DWMA/ CHU[2]	278	3:1	834 (to include 288 acres dry wash woodland)
Wildlife Management Areas Chuckwalla DWMA, Chuckwalla CH[3]	191	5:1	955
Balance of total project disturbance 4,176 – (3 + 1,214 + 278 + 191) = 2,490	2,490	1:1	2,490
Minimum Total Habitat Compensation Requirement			**6,707**

[1] Draft Habitat Compensation Plan, Table 2 (Desert Sunlight Holdings, 17 Dec 2010)

[2] Table 4.3-5 Summary of Impacts on Jurisdictional Resources

[3] Table 4.4-5

Substation A), and

- suitable or occupied habitat for Palm Springs round-tailed ground squirrel (estimated as 92 acres, based on Gen-Tie Line A-1 disturbance), Colorado Valley woodrat (estimated as 149 acres at Red Bluff Substation A location).

Of the resources listed above, BLM's focus is on desert dry wash woodland, occupied desert tortoise habitat, occupied or suitable habitat for breeding or wintering burrowing owls, and state-jurisdictional streambeds.

Under Alternative 1, a total of 4,176 acres would be disturbed. Total habitat compensation lands shall be no fewer than 6,707 acres, including, at minimum, 6,140 acres of occupied desert tortoise habitat and 819 acres of state-jurisdictional streambeds (including at least 288 acres of desert dry wash woodland). Further details are described in text and Table 4.3-10, below. Final compensation requirements shall be adjusted to account for any deviations in project disturbance, according to final design, as-built project footprint or, if a different Project alternative is approved, adjusted to reflect that alternative. Desert Sunlight shall be responsible for all compensation for habitat disturbance at the Solar Farm Layout and Gen-Tie Lines; SCE shall be responsible for all compensation for habitat disturbance at the Red Bluff Substation site.

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2. Of the total acreage to be disturbed under Alternative 1, three (3) acres have been previously disturbed and no compensation is required; 1,214 acres are moderate-density occupied desert tortoise habitat to be compensated at a ratio of 2:1; 302 acres (including 101 acres of desert dry wash woodland) are state-jurisdictional streambeds to be compensated at a ratio of 3:1; and 191 acres are within the Chuckwalla DWMA and/or Chuckwalla Critical Habitat Unit, to be compensated at a ratio of 5:1. 3. Compensation habitat for biological resources may be "nested." For example, compensation for the roosting habitat of bats that roost in desert dry wash woodland (Appendix H) would be fulfilled by desert dry wash woodland compensation lands, and would be counted as providing compensation for both the roosting bats and desert dry wash woodland. Similarly, compensation for the roosting habitat of bats that roost in rock crevices (Appendix H) may be fulfilled by compensation lands that also provide habitat for rosy boa and chuckwalla. Thus, compensation for impacts to bat roosting habitat may be fully nested within other compensation requirements. 4. Where impacted habitats meet criteria as two or more compensation ratios, the highest ratio will apply. For example, the Red Bluff Substation A site would affect a total of 149 acres, all within the Chuckwalla DWMA and CHU (Table 4.4-5); impacts to the Chuckwalla DWMA and CHU would require mitigation at a 5:1 ratio. Although 29 of the 149 acres are desert dry wash woodland (Table 4.3-6) would require compensation at a lower, 3:1 ration (if they were outside the DWMA and CHU), all 149 acres of impacts to the Chuckwalla DWMA and CHU shall be compensated at the 5:1 ratio. However, compensation lands for desert dry wash woodland at the 3:1 ratio (i.e., 87 acres) may be nested within the overall 5:1 compensation, 5. Compensation land selection criteria. Criteria for the acquisition, initial protection and habitat improvement, and long-term maintenance and management of compensation lands for impacts to biological resources shall include all of the following: a. compensation lands selected for acquisition to meet BLM, USFWS, CDFG, and CPUC requirements shall be equal to or better than the quality and function of the habitat impacted; b. provide habitat acreage with capacity to regenerate naturally when disturbances are removed; c. be near larger blocks of lands that are either already protected or planned for protection, or which could feasibly be protected long-term by a public resource agency or a non-governmental organization dedicated to habitat preservation; d. be contiguous and biologically connected to lands currently occupied by desert tortoise, ideally with populations that are stable, recovering, or likely to recover; e. not have a history of intensive recreational use or other disturbance that might cause future erosional damage or other habitat damage, and make habitat recovery and restoration infeasible; f. not be characterized by high densities of invasive species, either on or immediately adjacent to the parcels under consideration, that might jeopardize habitat recovery and restoration; g. not contain hazardous wastes that cannot be removed to the extent that the site could not provide suitable habitat; h. must provide wildlife movement value equal to that on the Project site; and		[2] Table 4.3-5 Summary of Impacts on Jurisdictional Resources [3] Table 4.4-5 2. Of the total acreage to be disturbed under Alternative 1, three (3) acres have been previously disturbed and no compensation is required; 1,214 acres are moderate-density occupied desert tortoise habitat to be compensated at a ratio of 2:1; 302 acres (including 101 acres of desert dry wash woodland) are state-jurisdictional streambeds to be compensated at a ratio of 3:1; and 191 acres are within the Chuckwalla DWMA and/or Chuckwalla Critical Habitat Unit, to be compensated at a ratio of 5:1. 3. Compensation habitat for biological resources may be "nested." For example, compensation for the roosting habitat of bats that roost in desert dry wash woodland (Appendix H) would be fulfilled by desert dry wash woodland compensation lands, and would be counted as providing compensation for both the roosting bats and desert dry wash woodland. Similarly, compensation for the roosting habitat of bats that roost in rock crevices (Appendix H) may be fulfilled by compensation lands that also provide habitat for rosy boa and chuckwalla. Thus, compensation for impacts to bat roosting habitat may be fully nested within other compensation requirements. 4. Where impacted habitats meet criteria as two or more compensation ratios, the highest ratio will apply. For example, the Red Bluff Substation A site would affect a total of 149 acres, all within the Chuckwalla DWMA and CHU (Table 4.4-5); impacts to the Chuckwalla DWMA and CHU would require mitigation at a 5:1 ratio. Although 29 of the 149 acres are desert dry wash woodland (Table 4.3-6) would require compensation at a lower, 3:1 ration (if they were outside the DWMA and CHU), all 149 acres of impacts to the Chuckwalla DWMA and CHU shall be compensated at the 5:1 ratio. However, compensation lands for desert dry wash woodland at the 3:1 ratio (i.e., 87 acres) may be nested within the overall 5:1 compensation, 5. Compensation land selection criteria. Criteria for the acquisition, initial protection and habitat improvement, and long-term maintenance and management of compensation lands for impacts to biological resources shall include all, or as many as practicable in the judgment of BLM, USFWS, and CDFG, of the following: a. compensation lands selected for acquisition to meet BLM, USFWS, CDFG, and CPUC requirements shall be equal to or better than the quality and function of the habitat impacted; b. provide habitat acreage with capacity to regenerate naturally when disturbances are removed; c. be near larger blocks of lands that are either already protected or planned for protection, or which could feasibly be protected long-term by a public resource agency or a non-governmental organization dedicated to habitat preservation; d. be contiguous and biologically connected to lands currently occupied by the relevant species, ~~desert tortoise,~~ ideally with populations that are stable, recovering, or likely to recover; e. not have a history of intensive recreational use or other disturbance that might cause future erosional damage or other habitat damage, and make habitat recovery and restoration infeasible; f. not be characterized by high densities of invasive species, either on or

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i. have water and mineral rights included as part of the acquisition, unless the BLM and CPUC, in consultation with CDFG and USFWS, agree in writing to the acceptability of land without these rights. j. Additional selection criteria for desert tortoise compensation lands. i. compensation lands for impacts to desert tortoise shall be within the Eastern Colorado Desert Tortoise Recovery Unit, and ii. shall have potential to contribute to desert tortoise habitat connectivity and build linkages between desert tortoise designated critical habitat, known populations of desert tortoise, and/or other preserve lands; k. Additional Selection Criteria for special-status plant compensation lands. The compensation lands selected for acquisition for impacts to special-status plants shall include at least one of the following categories: i. Occupied Habitat, No Habitat Threats: The compensation lands selected for acquisition shall be occupied by the target plant population and shall be characterized by site integrity and habitat quality that are required to support the target species, and shall be of equal or better habitat quality than that of the affected occurrence. The occurrence of the target special-status plant on the proposed acquisition lands should be viable, stable or increasing (in size and reproduction). ii. Unoccupied but Adjacent. The Project owner may also acquire habitat for which occupancy by the target species has not been documented, if the proposed acquisition lands are adjacent to occupied habitat. The Project owner shall provide evidence that acquisitions of such unoccupied lands would improve the defensibility and long-term sustainability of the occupied habitat by providing a protective buffer around the occurrence and by enhancing connectivity with undisturbed habitat. l. If all or any portion of the acquired compensation lands meets the habitat occupancy or suitability requirement for more than one of the resources listed above, that portion of those compensation lands may also be used to fulfill that portion of the obligation to acquire compensation lands to mitigate impacts to those resources. 6. The total amount of compensation mitigation lands required under this measure may exceed the requirements of AM BIO-1, in order to provide mitigation for all of the resources identified in this measure. 7. Review and Approval of Compensation Lands Prior to Acquisition. The Project owner (Sunlight or SCE) shall submit a formal acquisition proposal to the BLM, USFWS, CDFG, and CPUC describing the parcel(s) intended for purchase. This acquisition proposal shall discuss the suitability of the proposed parcel(s) as compensation lands in relation to the selection criteria listed above, and must be approved by the BLM and CPUC in coordination with CDFG and USFWS. 8. Management Plan. The Project owner or approved third party shall prepare a management plan for the compensation lands in consultation with the entity that will be managing the lands. The goal of the management plan shall be to support and enhance the long-term viability of the biological resources. The Management Plan shall be		immediately adjacent to the parcels under consideration, that might jeopardize habitat recovery and restoration; g. not contain hazardous wastes that cannot be removed to the extent that the site could not provide suitable habitat; h. must provide wildlife movement value equal to that on the Project site; and i. have <u>non-severed</u> water and mineral rights included as part of the acquisition, unless the BLM and CPUC, in consultation with CDFG and USFWS, agree in writing to the acceptability of land without these rights. j. Additional selection criteria for desert tortoise compensation lands. i. compensation lands for impacts to desert tortoise shall be within the Eastern Colorado Desert Tortoise Recovery Unit, and ii. shall have potential to contribute to desert tortoise habitat connectivity and build linkages between desert tortoise designated critical habitat, known populations of desert tortoise, and/or other preserve lands; k. Additional Selection Criteria for special-status plant compensation lands. The compensation lands selected for acquisition for impacts to special-status plants shall include at least one of the following categories: i. Occupied Habitat, No Habitat Threats: The compensation lands selected for acquisition shall be occupied by the target plant population and shall be characterized by site integrity and habitat quality that are required to support the target species, and shall be of equal or better habitat quality than that of the affected occurrence. The occurrence of the target special-status plant on the proposed acquisition lands should be viable, stable or increasing (in size and reproduction). ii. Unoccupied but Adjacent. The Project owner may also acquire habitat for which occupancy by the target species has not been documented, if the proposed acquisition lands are adjacent to occupied habitat. The Project owner shall provide evidence that acquisitions of such unoccupied lands would improve the defensibility and long-term sustainability of the occupied habitat by providing a protective buffer around the occurrence and by enhancing connectivity with undisturbed habitat. l. If all or any portion of the acquired compensation lands meets the habitat occupancy or suitability requirement for more than one of the resources listed above, that portion of those compensation lands may also be used to fulfill that portion of the obligation to acquire compensation lands to mitigate impacts to those resources. 6. The total amount of compensation mitigation lands required under this measure may exceed the requirements of AM BIO-1, in order to provide mitigation for all of the resources identified in this measure. 7. Review and Approval of Compensation Lands Prior to Acquisition. The Project owner (Sunlight or SCE) shall submit a formal acquisition proposal to the BLM, USFWS, CDFG, and CPUC describing the parcel(s) intended for purchase. This

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submitted for review and approval to the BLM and CPUC, in consultation with CDFG and USFWS. 9. Compensation Lands Acquisition Requirements. The Project owner shall comply with the following requirements relating to acquisition of the compensation lands after the BLM, USFWS, CDFG, and CPUC have approved the proposed compensation lands: a. Preliminary Report. The Project owner, or an approved third party, shall provide a recent preliminary title report, initial hazardous materials survey report, biological analysis, and other necessary or requested documents for the proposed compensation land to the BLM, USFWS, CDFG, and CPUC. All documents conveying or conserving compensation lands and all conditions of title are subject to review and approval by the BLM and CPUC. For conveyances to the State, approval may also be required from the California Department of General Services, the Fish and Game Commission and the Wildlife Conservation Board. b. Title/Conveyance. The Project owner shall acquire and transfer fee title to the compensation lands, a conservation easement over the lands, or both fee title and conservation easement, as required by the BLM USFWS, CDFG, and CPUC. Any transfer of a conservation easement or fee title must be to CDFG, to a non-profit organization qualified to hold title to and manage compensation lands (pursuant to California Government Code section 65965), or to BLM or other public agency approved by the BLM and CPUC. If an approved non-profit organization holds fee title to the compensation lands, a conservation easement shall be recorded in favor of CDFG or another entity approved by the BLM and CPUC. If an entity other than CDFG holds a conservation easement over the compensation lands, the BLM and CPUC may require that CDFG or another entity approved by the BLM, USFWS, CDFG, and CPUC, in consultation with CDFG, be named a third party beneficiary of the conservation easement. The Project owner shall obtain approval of the BLM, USFWS, CDFG, and CPUC of the terms of any transfer of fee title or conservation easement to the compensation lands. c. Initial Protection and Habitat Improvement. The Project owner shall fund activities that the BLM and CPUC require for the initial protection and habitat improvement of the compensation lands. These activities will vary depending on the condition and location of the land acquired, but may include trash removal, construction and repair of fences, invasive plant removal, and similar measures to protect habitat and improve habitat quality on the compensation lands. The costs of these activities are estimated to be $330 per acre of compensation land, but actual costs will vary depending on the measures that are required for the compensation lands. A non-profit organization, CDFG or another public agency may hold and expend the habitat improvement funds if it is qualified to manage the compensation lands (pursuant to California Government Code section 65965), if it meets the approval of the BLM and CPUC in consultation with USFWS and CDFG, and if it is authorized to participate in implementing the required activities on the compensation lands. If CDFG takes fee title to the compensation lands, the habitat improvement fund must be paid to CDFG or its designee. d. Property Analysis Record. Upon identification of the compensation lands, the Project owner shall conduct a Property Analysis Record (PAR) or PAR-like analysis to establish the appropriate amount of the long-term maintenance and management fund to pay the in-perpetuity management of the compensation lands. The PAR or PAR-like analysis must be approved by the BLM and CPUC before it		acquisition proposal shall discuss the suitability of the proposed parcel(s) as compensation lands in relation to the selection criteria listed above, and must be approved by the BLM and CPUC in coordination with CDFG and USFWS. 8. Management Plan. The Project owner or approved third party shall prepare a management plan for the compensation lands in consultation with the entity that will be managing the lands. The goal of the management plan shall be to support and enhance the long-term viability of the biological resources. The Management Plan shall be submitted for review and approval to the BLM and CPUC, in consultation with CDFG and USFWS. 9. Compensation Lands Acquisition Requirements. The Project owner shall comply with the following requirements relating to acquisition of the compensation lands after the BLM, USFWS, CDFG, and CPUC have approved the proposed compensation lands: a. Preliminary Report. The Project owner, or an approved third party, shall provide a recent preliminary title report, initial hazardous materials survey report, biological analysis, and other necessary or requested documents for the proposed compensation land to the BLM, USFWS, CDFG, and CPUC. All documents conveying or conserving compensation lands and all conditions of title are subject to review and approval by the BLM and CPUC. For conveyances to the State, approval may also be required from the California Department of General Services, the Fish and Game Commission and the Wildlife Conservation Board. b. Title/Conveyance. The Project owner shall acquire and transfer fee title to the compensation lands, a conservation easement over the lands, or both fee title and conservation easement, as required by the BLM USFWS, CDFG, and CPUC. Any transfer of a conservation easement or fee title must be to CDFG, to a non-profit organization qualified to hold title to and manage compensation lands (pursuant to California Government Code section 65965), or to BLM or other public agency approved by the BLM and CPUC. If an approved non-profit organization holds fee title to the compensation lands, a conservation easement shall be recorded in favor of CDFG or another entity approved by the BLM and CPUC. If an entity other than CDFG holds a conservation easement over the compensation lands, the BLM and CPUC may require that CDFG or another entity approved by the BLM, USFWS, CDFG, and CPUC, in consultation with CDFG, be named a third party beneficiary of the conservation easement. The Project owner shall obtain approval of the BLM, USFWS, CDFG, and CPUC of the terms of any transfer of fee title or conservation easement to the compensation lands. c. Initial Protection and Habitat Improvement. The Project owner shall fund activities that the BLM and CPUC require for the initial protection and habitat improvement of the compensation lands. These activities will vary depending on the condition and location of the land acquired, but may include trash removal, construction and repair of fences, invasive plant removal, and similar measures to protect habitat and improve habitat quality on the compensation lands. The costs of these activities are estimated to be $330 per acre of compensation land, but actual costs will vary depending on the measures that are required for the compensation lands. A non-profit organization, CDFG or another public agency may hold and expend the habitat improvement funds if it

Mitigation Measure in the PA/FEIS*	Adopted (Yes/ Modified)	Modified Mitigation Measure and Reason for Modification
can be used to establish funding levels or management activities for the compensation lands. e. Long-term Maintenance and Management Funding. The Project owner shall provide money to establish an account with non-wasting capital that will be used to fund the long-term maintenance and management of the compensation lands. The amount of money to be paid will be determined through an approved PAR or PAR-like analysis conducted for the compensation lands. Until an approved PAR or PAR-like analysis is conducted for the compensation lands, the amount of required funding is initially estimated to be $1,450 for every acre of compensation lands. If compensation lands will not be identified and a PAR or PAR-like analysis completed within the time period specified for this payment, the Project owner shall either: (i) provide initial payment equal to the amount of $1,450 multiplied by the number of acres the Project owner proposes to acquire for compensatory mitigation; or (ii) provide security to the BLM and CPUC under subsection (g), "Mitigation Security," below, in an amount equal to $1,450 multiplied by the number of acres the Project owner proposes to acquire for compensatory mitigation. The amount of the required initial payment or security for this item shall be adjusted for any change in the Project Disturbance Area. If an initial payment is made based on the estimated per-acre costs, the Project owner shall deposit additional money as may be needed to provide the full amount of long-term maintenance and management funding indicated by a PAR or PAR-like analysis, once the analysis is completed and approved. If the approved analysis indicates less than $1,450 per acquired acre will be required for long-term maintenance and management, the excess paid will be returned to the Project owner. The Project owner must obtain the BLM and CPUC's approval of the entity that will receive and hold the long-term maintenance and management fund for the compensation lands. The BLM and CPUC will consult with USFWS and CDFG before deciding whether to approve an entity to hold the Project's long-term maintenance and management funds. The Project owner shall ensure that an agreement is in place with the long-term maintenance and management fund holder/manager to ensure the following requirements are met: i. Interest. Interest generated from the initial capital long-term maintenance and management fund shall be available for reinvestment into the principal and for the long-term operation, management, and protection of the approved compensation lands, including reasonable administrative overhead, biological monitoring, improvements to carrying capacity, law enforcement measures, and any other action that is approved by the BLM and CPUC and is designed to protect or improve the habitat values of the compensation lands. ii. Withdrawal of Principal. The long-term maintenance and management fund principal shall not be drawn upon unless such withdrawal is deemed necessary by the BLM, USFWS, CDFG, and CPUC or by the approved third-party long-term maintenance and management fund manager, to ensure the continued viability of the species on the compensation lands. iii. Pooling Long-Term Maintenance and Management Funds. An entity approved to hold long-term maintenance and management funds for the Project may pool those funds with similar non-wasting funds that it holds from other projects for long-term maintenance and management of		is qualified to manage the compensation lands (pursuant to California Government Code section 65965), if it meets the approval of the BLM and CPUC in consultation with USFWS and CDFG, and if it is authorized to participate in implementing the required activities on the compensation lands. If CDFG takes fee title to the compensation lands, the habitat improvement fund must be paid to CDFG or its designee. d. Property Analysis Record. Upon identification of the compensation lands, the Project owner shall conduct a Property Analysis Record (PAR) or PAR-like analysis to establish the appropriate amount of the long-term maintenance and management fund to pay the in-perpetuity management of the compensation lands. The PAR or PAR-like analysis must be approved by the BLM and CPUC before it can be used to establish funding levels or management activities for the compensation lands. e. Long-term Maintenance and Management Funding. The Project owner shall provide money to establish an account with non-wasting capital that will be used to fund the long-term maintenance and management of the compensation lands. The amount of money to be paid will be determined through an approved PAR or PAR-like analysis conducted for the compensation lands. Until an approved PAR or PAR-like analysis is conducted for the compensation lands, the amount of required funding is initially estimated to be $1,450 for every acre of compensation lands. If compensation lands will not be identified and a PAR or PAR-like analysis completed within the time period specified for this payment, the Project owner shall either: (i) provide initial payment equal to the amount of $1,450 multiplied by the number of acres the Project owner proposes to acquire for compensatory mitigation; or (ii) provide security to the BLM and CPUC under subsection (g), "Mitigation Security," below, in an amount equal to $1,450 multiplied by the number of acres the Project owner proposes to acquire for compensatory mitigation. The amount of the required initial payment or security for this item shall be adjusted for any change in the Project Disturbance Area. If an initial payment is made based on the estimated per-acre costs, the Project owner shall deposit additional money as may be needed to provide the full amount of long-term maintenance and management funding indicated by a PAR or PAR-like analysis, once the analysis is completed and approved. If the approved analysis indicates less than $1,450 per acquired acre will be required for long-term maintenance and management, the excess paid will be returned to the Project owner. The Project owner must obtain the BLM and CPUC's approval of the entity that will receive and hold the long-term maintenance and management fund for the compensation lands. The BLM and CPUC will consult with USFWS and CDFG before deciding whether to approve an entity to hold the Project's long-term maintenance and management funds. The Project owner shall ensure that an agreement is in place with the long-term maintenance and management fund holder/manager to ensure the following requirements are met: i. Interest. Interest generated from the initial capital long-term maintenance and management fund shall be available for reinvestment into the principal and for the long-term operation, management, and protection of the approved compensation lands, including reasonable administrative overhead, biological monitoring, improvements to carrying capacity, law

Mitigation Measure in the PA/FEIS*	Adopted (Yes/ Modified)	Modified Mitigation Measure and Reason for Modification
compensation lands. However, for reporting purposes, the long-term maintenance and management funds for this Project must be tracked and reported individually to the BLM, USFWS, CDFG, and CPUC. f. Other Expenses. In addition to the costs listed above, the Project owner shall be responsible for all other costs related to acquisition of compensation lands and conservation easements, including but not limited to the title and document review costs incurred from other state agency reviews, overhead related to providing compensation lands to CDFG or an approved third party, escrow fees or costs, environmental contaminants clearance, and other site cleanup measures. g. Mitigation Security. No fewer than 30 days prior to ground disturbance, the Project owner shall provide financial assurances to the BLM and CPUC to guarantee that an adequate level of funding is available to implement any of the mitigation measures required by this condition that are not completed prior to the start of ground-disturbing Project activities. Financial assurances shall be provided to the BLM, USFWS, CDFG, and CPUC in the form of an irrevocable letter of credit, a pledged savings account or another form of security ("Security") approved by the BLM, USFWS, CDFG, and CPUC. The actual costs to comply with this condition will vary depending on the actual costs of acquiring compensation habitat, the costs of initially improving the habitat, and the actual costs of long-term management as determined by a PAR report. Prior to submitting the Security to the BLM, USFWS, CDFG, and CPUC, the Project owner shall obtain the BLM, USFWS, CDFG, and CPUC's approval of the form of the Security. The BLM, USFWS, CDFG, and CPUC may draw on the Security if the BLM, USFWS, CDFG, and CPUC determine the Project owner has failed to comply with the requirements specified in this condition. The BLM, USFWS, CDFG, and CPUC may use money from the Security solely for implementation of the requirements of this condition. The BLM, USFWS, CDFG, and CPUC's use of the Security to implement measures in this condition may not fully satisfy the Project owner's obligations under this condition, and the Project owner remains responsible for satisfying the obligations under this condition if the Security is insufficient. The unused Security shall be returned to the Project owner in whole or in part upon successful completion of the associated requirements in this condition. Security for the requirements of this condition shall be calculated as shown in Table 4.3-11. However, regardless of the amount of the security or actual cost of implementation, the project owner shall be responsible for implementing all aspects of this condition, including acquisition and protection of additional habitat acreage if necessary to compensate for all impacts listed in Section 1 of this Mitigation Measure. h. The Project owner may elect to comply with the requirements in this condition for acquisition of compensation lands, initial protection and habitat improvement on the compensation lands, or long-term maintenance and management of the compensation lands by funding, or any combination of these three requirements, by providing funds to implement those measures into the Renewable Energy Action Team (REAT) Account established with the National Fish and Wildlife Foundation (NFWF). To use this option, the Project owner must make an initial deposit to the REAT Account in an amount equal to		enforcement measures, and any other action that is approved by the BLM and CPUC and is designed to protect or improve the habitat values of the compensation lands. ii. Withdrawal of Principal. The long-term maintenance and management fund principal shall not be drawn upon unless such withdrawal is deemed necessary by the BLM, USFWS, CDFG, and CPUC or by the approved third-party long-term maintenance and management fund manager, to ensure the continued viability of the species on the compensation lands. iii. Pooling Long-Term Maintenance and Management Funds. An entity approved to hold long-term maintenance and management funds for the Project may pool those funds with similar non-wasting funds that it holds from other projects for long-term maintenance and management of compensation lands. However, for reporting purposes, the long-term maintenance and management funds for this Project must be tracked and reported individually to the BLM, USFWS, CDFG, and CPUC. f. Other Expenses. In addition to the costs listed above, the Project owner shall be responsible for all other costs related to acquisition of compensation lands and conservation easements, including but not limited to the title and document review costs incurred from other state agency reviews, overhead related to providing compensation lands to CDFG or an approved third party, escrow fees or costs, environmental contaminants clearance, and other site cleanup measures. g. Mitigation Security. No fewer than 30 days prior to ground disturbance, the Project owner shall provide financial assurances to the BLM and CPUC to guarantee that an adequate level of funding is available to implement any of the mitigation measures required by this condition that are not completed prior to the start of ground-disturbing Project activities. Financial assurances shall be provided to the BLM, USFWS, CDFG, and CPUC in the form of an irrevocable letter of credit, a pledged savings account or another form of security ("Security") approved by the BLM, USFWS, CDFG, and CPUC. The actual costs to comply with this condition will vary depending on the actual costs of acquiring compensation habitat, the costs of initially improving the habitat, and the actual costs of long-term management as determined by a PAR report. Prior to submitting the Security to the BLM, USFWS, CDFG, and CPUC, the Project owner shall obtain the BLM, USFWS, CDFG, and CPUC's approval of the form of the Security. The BLM, USFWS, CDFG, and CPUC may draw on the Security if the BLM, USFWS, CDFG, and CPUC determine the Project owner has failed to comply with the requirements specified in this condition. The BLM, USFWS, CDFG, and CPUC may use money from the Security solely for implementation of the requirements of this condition. The BLM, USFWS, CDFG, and CPUC's use of the Security to implement measures in this condition may not fully satisfy the Project owner's obligations under this condition, and the Project owner remains responsible for satisfying the obligations under this condition if the Security is insufficient. The unused Security shall be returned to the Project owner in whole or in part upon successful completion of the associated requirements in this condition. Security for the requirements of this condition shall be calculated as shown in Table 4.3-11. However, regardless of the amount of the security or actual cost

Mitigation Measure in the PA/FEIS*	Adopted (Yes/ Modified)	Modified Mitigation Measure and Reason for Modification

Table 4.3-11

Biological Resource Compensation/Mitigation Cost Estimate[1]/ Table of Estimated Costs[2]

	Task	Cost
1.	Land Acquisition (6,707 acres)	$1000 per acre[3]
2.	Level 1 Environmental Site Assessment (42 parcels at estimated 160-acre average parcel size)	$3000 per parcel[4]
3.	Appraisal	$5000 per parcel
4.	Initial site work - clean-up, enhancement, restoration	$330 per acre[5]
5.	Closing and Escrow Costs – 1 transaction includes landowner to 3rd party and 3rd party to agency	$5000 per transaction
6.	Biological survey for determining mitigation value of land (habitat based with species specific augmentation)	$5000 per parcel
7.	3rd party administrative costs - includes staff time to work with agencies and landowners; develop management plan; oversee land transaction; organizational reporting and due diligence; review of acquisition documents; assembling acres to acquire….	10% of land acquisition cost (#1)
8.	Agency costs to review and determine accepting land donation - includes 2 physical inspections; review and approval of the Level 1 ESA assessment; review of all title documents; drafting deed and deed restrictions; issue escrow instructions; mapping the parcels.	15% of land acquisition costs (#1) × 1.17 (17% of the 15% for overhead)
	Subtotal - Acquisition & Initial Site Work	$11,524,000
9.	Long-term Management and Maintenance (LTMM) Fund - includes land management; enforcement and defense of easement or title [short and long term]; monitoring….	$1450 per acre[6]
	Total (if compensation not implemented through NFWF account)	**$21,249,000**
NFWF Fees		
10.	Establish the project specific account	$12,000
11.	NFWF management fee for acquisition & initial site work	3% of SUBTOTAL
12.	NFWF Management fee for LTMM Fund	1% of LTMM Fund
	Total for deposit in REAT-NFWF Project Specific Account	**$21,704,000**

of implementation, the project owner shall be responsible for implementing all aspects of this condition, including acquisition and protection of additional habitat acreage if necessary to compensate for all impacts listed in Section 1 of this Mitigation Measure.

h. The Project owner may elect to comply with the requirements in this condition for acquisition of compensation lands, initial protection and habitat improvement on the compensation lands, or long-term maintenance and management of the compensation lands by funding, or any combination of these three requirements, by providing funds to implement those measures into the Renewable Energy Action Team (REAT) Account established with the National Fish and Wildlife Foundation (NFWF). To use this option, the Project owner must make an initial deposit to the REAT Account in an amount equal to

Table 4.3-11

Biological Resource Compensation/Mitigation Cost Estimate[1]/ Table of Estimated Costs[2]

	Task	Cost
1.	Land Acquisition (6,707 acres)	$1000 per acre[3]
2.	Level 1 Environmental Site Assessment (42 parcels at estimated 160-acre average parcel size)	$3000 per parcel
3.	Appraisal	$5000 per parcel
4.	Initial site work - clean-up, enhancement, restoration	$330 per acre[5]
5.	Closing and Escrow Costs – 1 transaction includes landowner to 3rd party and 3rd party to agency	$5000 per transaction
6.	Biological survey for determining mitigation value of land (habitat based with species specific augmentation)	$5000 per parcel
7.	3rd party administrative costs - includes staff time to work with agencies and landowners; develop management plan; oversee land transaction; organizational reporting and due diligence; review of acquisition documents; assembling acres to acquire….	10% of land acquisition cost
8.	Agency costs to review and determine accepting land donation - includes 2 physical inspections; review and approval of the Level 1 ESA assessment; review of all title documents; drafting deed and deed restrictions; issue escrow instructions; mapping the parcels.	15% of land acquisition costs (#1) × 1.17 (17% of the 15% for overhead)
	Subtotal - Acquisition & Initial Site Work	$11,524,000

Mitigation Measure in the PA/FEIS*	Adopted (Yes/ Modified)	Modified Mitigation Measure and Reason for Modification

[1] All costs are best estimates as of spring 2011. Actual costs will be determined at the time of the transactions and may change the funding needed to implement the required mitigation obligation. Note: regardless of the estimates, the developer is responsible for providing adequate funding to implement the required mitigation.

[2] Companion table to the excel spreadsheet with formulas.

[3] Generalized estimate taking into consideration a likely jump in land costs due to demand, and an 18-24 month window to acquire the land after agency decisions are made. If the agencies, developer, or 3rd party has better, credible information on land costs in the specific area where project-specific mitigation lands are likely to be purchased, that data overrides this general estimate. Note: regardless of the estimates, the developer is responsible for providing adequate funding to implement the required mitigation.

[4] For the purposes of determining costs, a parcel is 160 acres.

[5] Based on information from CDFG.

[6] Estimate for purposes of calculating general costs. The actual long term management and maintenance costs will be determined using a Property Assessment Report (PAR) tailored to the specific acquisition.

the estimated costs (as set forth in the Security section of this condition) of implementing the requirement and additional fees, management funds, and other costs associated with the NFWF account. If the actual cost of the acquisition, initial protection and habitat improvements, or long-term funding is more than the estimated amount initially paid by the Project owner, the Project owner shall make an additional deposit into the REAT Account sufficient to cover the actual acquisition costs, the actual costs of initial protection and habitat improvement on the compensation lands, and the long-term funding requirements as established in an approved PAR or PAR-like analysis. If those actual costs or PAR projections are less than the amount initially transferred by the applicant, the remaining balance shall be returned to the Project owner.

i. The responsibility for acquisition of compensation lands may be delegated to a third party other than NFWF, such as a non-governmental organization supportive of desert habitat conservation, by written agreement of the BLM, USFWS, CDFG, and CPUC. Such delegation shall be subject to approval by the BLM and CPUC, in consultation with CDFG and USFWS, prior to land acquisition, enhancement or management activities. Agreements to delegate land acquisition to an approved third party, or to manage compensation lands, shall be executed and implemented within 18 months of the BLM and CPUC's certification of the Project.

j. The Applicant may choose to compensate and mitigate for impacts to state-listed endangered species pursuant to §2081 of the California Endangered Species Act using one or both of the "in-lieu fee" or "advance mitigation" mechanisms set forth in SB 34. Compensation lands acquired through SB 34 may in whole or in part satisfy the compensation habitat requirements set forth in this mitigation measure, only to the extent that they do in fact provide habitat values and mitigation for significant impacts to the species and biological resources identified above, and are consistent with the selection criteria described above.

9.	Long-term Management and Maintenance (LTMM) Fund - includes land management; enforcement and defense of easement or title [short and long term]; monitoring….	$1450 per acre[6]
	Total (if compensation not implemented through NFWF account)	**$21,249,000**
NFWF Fees		
10.	Establish the project specific account	$12,000
11.	NFWF management fee for acquisition & initial site work	3% of SUBTOTAL
12.	NFWF Management fee for LTMM Fund	1% of LTMM Fund
	Total for deposit in REAT-NFWF Project Specific Account	**$21,704,000**

[1] All costs are best estimates as of spring 2011. Actual costs will be determined at the time of the transactions and may change the funding needed to implement the required mitigation obligation. Note: regardless of the estimates, the developer is responsible for providing adequate funding to implement the required mitigation.

[2] Companion table to the excel spreadsheet with formulas.

[3] Generalized estimate taking into consideration a likely jump in land costs due to demand, and an 18-24 month window to acquire the land after agency decisions are made. If the agencies, developer, or 3rd party has better, credible information on land costs in the specific area where project-specific mitigation lands are likely to be purchased, that data overrides this general estimate. Note: regardless of the estimates, the developer is responsible for providing adequate funding to implement the required mitigation.

[4] For the purposes of determining costs, a parcel is 160 acres.

[5] Based on information from CDFG.

[6] Estimate for purposes of calculating general costs. The actual long term management and maintenance costs will be determined using a Property Assessment Report (PAR) tailored to the specific acquisition.

the estimated costs (as set forth in the Security section of this condition) of implementing the requirement and additional fees, management funds, and other costs associated with the NFWF account. If the actual cost of the acquisition, initial protection and habitat improvements, or long-term funding is more than the estimated amount initially paid by the Project owner, the Project owner shall make an additional deposit into the REAT Account sufficient to cover the actual acquisition costs, the actual costs of initial protection and habitat improvement on the compensation lands, and the long-term funding requirements as established in an approved PAR or PAR-like analysis. If those actual costs or PAR projections are less than the amount initially transferred by the applicant, the remaining balance shall be returned to the Project owner.

i. The responsibility for acquisition of compensation lands may be delegated to a third party other than NFWF, such as a non-governmental organization supportive of desert habitat conservation, by written agreement of the BLM,

Mitigation Measure in the PA/FEIS*	Adopted (Yes/ Modified)	Modified Mitigation Measure and Reason for Modification
		USFWS, CDFG, and CPUC. Such delegation shall be subject to approval by the BLM and CPUC, in consultation with CDFG and USFWS, prior to land acquisition, enhancement or management activities. Agreements to delegate land acquisition to an approved third party, or to manage compensation lands, shall be executed and implemented within 18 months ~~of the BLM and CPUC's certification of the Project.~~ after the NTP and reflect that the compensation is for the acres covered under that NTP(s). j. The Applicant may choose to compensate and mitigate for impacts to state-listed endangered species pursuant to §2081 of the California Endangered Species Act using one or both of the "in-lieu fee" or "advance mitigation" mechanisms set forth in SB 34. Compensation lands acquired through SB 34 may in whole or in part satisfy the compensation habitat requirements set forth in this mitigation measure, only to the extent that they do in fact provide habitat values and mitigation for significant impacts to the species and biological resources identified above, and are consistent with the selection criteria described above. **Reason for Modification** Section 5 is modified to recognize that there may be desirable compensation lands that may not comply with every criterion listed under Section 5. Section 5(d) is modified for clarification purposes. Section 5(i) is modified to recognize that it is most desirable for compensation lands to have non-severed water and mineral rights; however, the approving agencies may accept compensation lands with severed rights, if deemed appropriate and desirable in consideration of the remaining criterion under Section 5. Section 9(j) is modified to recognize that the construction of the project may be phased.
MM-BIO-3, Implement Transplantation and WEAP training. Cacti flagged for transplantation per AM-BIO-3 shall be transplanted per the Vegetation Salvage Plan described in AM-BIO-5 and special status plant species shall be salvaged per the Vegetation Salvage Plan described in AM-BIO-5. The Applicant and SCE shall be responsible for ensuring that all workers at the site, throughout the duration of construction, operation, and decommissioning activities, receives the training described in AM-BIO-4, above. Specific language in Mitigation Measure BIO-3 will take precedence over any discrepancy with the Applicant Measures cited herein.	Yes	
MM-BIO-4, Salvage and Restoration Plan Performance Standards. Salvage will occur prior to construction in any area of the proposed Project as described in the approved Vegetation Salvage Plan (described in AM-BIO-5). Post-Project seeding and planting (revegetation) will occur at the decommissioning phase of the Project as described under an approved Restoration Plan (AM-BIO-5). Both salvage and revegetation efforts shall be monitored yearly and shall continue for a period of no less than 10 years or until the defined performance standards are achieved (whichever is sooner). The following performance standards must be met by the end of the monitoring period: (a) at least 80% of the species and vegetative cover observed within the temporarily disturbed areas shall be native species that naturally occur in desert scrub habitats; (b) absolute cover and density of native plant species within the revegetated areas shall equal at least 60% of the pre-disturbance or reference vegetation cover; and (c) the site shall have gone without irrigation or remedial planting for a minimum of three years prior to completion of monitoring. Remediation activities (e.g., whether additional planting, removal of non-native invasive species, or erosion control) shall be taken during the 10-year period if necessary to ensure the success of the revegetation effort. If the mitigation fails to meet the established performance standards after the 10-	Yes	

Mitigation Measure in the PA/FEIS*	Adopted (Yes/ Modified)	Modified Mitigation Measure and Reason for Modification
year maintenance and monitoring period, monitoring and remedial activities shall extend beyond the 10-year period until the performance standards are met, unless otherwise specified by the BLM and CPUC. As needed to achieve performance standards, the Project owner shall be responsible for replacement planting or other remedial action as agreed to by BLM and CPUC. Replacement plants shall be monitored with the same survival and growth requirements as required for original revegetation plantings. If a fire or flood damages a revegetation area within the 10-year monitoring period, the owner shall be responsible for a one-time replacement. If a second fire or flood occurs, no replanting is required, unless the event is caused by the owner's activity (as determined by BLM or other firefighting agency investigation).		
MM-BIO-5, Desert Dry Wash Woodland Monitoring and Reporting Plan. In addition to complying with MM-WAT-3 (Groundwater Level Monitoring, Mitigation, and Reporting), the Project owner shall prepare and submit a Desert Dry Wash Woodland Monitoring and Reporting Plan to BLM and CPUC for review and approval prior to commencing project-related pumping activities. Upon approval, the Project owner shall finalize and implement the Plan. The Desert Dry Wash Woodland Monitoring and Reporting Plan shall outline the following information and actions: 1. Prior to Project operations, the baseline health and vigor of four (4) groundwater dependent plant species (desert ironwood, blue palo verde, desert willow, and smoke tree) shall be recorded within four zones: immediately off-site at the project boundary, and at ¼-mile, ½-mile and 1-mile distances from proposed Project groundwater supply well locations. At minimum, the baseline conditions for 10 individuals for each of the target species within each sampling zone shall be recorded. At least one "control" site, at least 2 miles from the project site, shall also be sampled. 2. A qualified botanist or plant physiologist shall develop a sampling protocol to be carried out in desert dry wash woodland at each sampling zone (above) and control site to monitor stress and mortality of target plants once operations begin. The protocol shall include a measure of pre-dawn water potential, as measured by standard plant physiology techniques. Through corresponding this data to climate factors and groundwater monitoring data collected under MM-WAT-3 as well as the control site, the survey shall, where possible, identify under what circumstances each factor may have the greatest effect on plants. This protocol shall be developed in coordination with BLM, CDFG, and CPUC and shall be approved by BLM, CDFG, and CPUC. 3. If a significant difference in plant stress or mortality are shown in one or more sample locations in comparison to the control site, the Project owner shall coordinate with BLM, CPUC, and CDFG to determine if the plant stress is due to climate factors (e.g., drought), pathogens (disease, insect infestation, etc.), or project activities. The Desert Dry Wash Woodland Monitoring and Reporting Plan shall identify what constitutes a significant difference in plant stress or mortality under this mitigation measure. If it is related to project activities, then the Project owner shall either refrain from pumping, reduce groundwater pumping to allow for recovery of the groundwater table, or provide additional habitat compensation as described below. Monthly Desert Dry Wash Woodland Monitoring summary memos shall be submitted to BLM, CDFG, and CPUC during the construction period of the Project. In addition, annual Desert Dry Wash Woodland Monitoring reports shall be submitted for at least the first three years following completion of construction of the Project, if found necessary. The summary memos shall contain the monitoring data required as part of the monitoring program requirements under MM-WAT-3. In	Modified	**Modified Mitigation Measure MM-BIO-5** **MM-BIO-5**, Desert Dry Wash Woodland Monitoring and Reporting Plan. In addition to complying with MM-WAT-3 (Groundwater Level Monitoring, Mitigation, and Reporting), the Project owner shall prepare and submit a Desert Dry Wash Woodland Monitoring and Reporting Plan to BLM ~~and CPUC~~ for review and approval prior to commencing project-related pumping activities. Upon approval, the Project owner shall finalize and implement the Plan. The Desert Dry Wash Woodland Monitoring and Reporting Plan shall outline the following information and actions: 1. Prior to Project operations, the baseline health and vigor of three (3) ~~four (4)~~ potential groundwater dependent plant species (desert ironwood, blue palo verde, ~~desert willow,~~ and smoke tree) shall be recorded within four zones: immediately off-site at the project boundary, and at ¼-mile, ½-mile and 1-mile distances from proposed Project ~~groundwater supply well locations~~ production wells. At minimum, the baseline conditions for 10 individuals for each of the target species within each sampling zone shall be recorded. At least one "control" site, at least 2 miles from the project site, shall also be sampled. 2. A qualified botanist or plant physiologist shall develop a sampling protocol to be carried out in desert dry wash woodland at each sampling zone (above) and control site to monitor stress and mortality of target plants once operations begin. The protocol shall include a measure of pre-dawn water potential, as measured by standard plant physiology techniques. Through corresponding this data to climate factors and groundwater monitoring data collected under MM-WAT-3 as well as the control site, the survey shall, where possible, identify under what circumstances each factor may have the greatest effect on plants. This protocol shall be developed in coordination with BLM~~,~~ and CDFG~~, and CPUC~~ and shall be approved by BLM~~,~~ and CDFG.~~, and CPUC.~~ 3. If a significant difference in plant stress or mortality are shown in one or more sample locations in comparison to the control site, the Project owner shall coordinate with BLM,~~ CPUC,~~ and CDFG to determine if the plant stress is due to climate factors (e.g., drought), pathogens (disease, insect infestation, etc.), or project activities. The Desert Dry Wash Woodland Monitoring and Reporting Plan shall identify what constitutes a significant difference in plant stress or mortality under this mitigation measure. If it is related to project activities, then the Project owner shall either refrain from pumping, reduce groundwater pumping to allow for recovery of the groundwater table, or provide additional habitat compensation as described below.

Mitigation Measure in the PA/FEIS*	Adopted (Yes/ Modified)	Modified Mitigation Measure and Reason for Modification
addition, each Desert Dry Wash Woodland Monitoring Report shall provide maps and text discussion of each study site, changes in plant health and vigor, changes in groundwater levels in the production wells, and the year's monitoring data. If results of the groundwater monitoring program under MM-WAT-3 indicate that the project pumping has resulted in water level decline of one foot or more below the baseline trend, and vegetation monitoring for plant stress, mortality, and water potential have documented one or more of the sampling sites for the four groundwater dependent plant species as reaching the threshold (above), the Project owner shall reduce groundwater pumping until water levels stabilize or recover, provide for temporary supplemental watering, or compensate for additional impacts to desert dry wash woodland at the ratio of 3:1, consistent with Mitigation Measure MM-BIO-2. Estimated acreage of additional dry wash woodland impacts shall be submitted to BLM and CPUC for approval. Upon approval, the Project owner shall initiate compensation according to the requirements and conditions for habitat compensation as described in Mitigation Measure MM-BIO-2. At the conclusion of the three-year monitoring period for Desert Dry Wash Woodland following completion of Project construction, the Project owner, CPUC, and BLM shall jointly evaluate the effectiveness of the Desert Dry Wash Woodland Monitoring and Reporting Plan and determine if monitoring frequencies or procedures should be revised, extended to the operation and decommissioning periods, or eliminated. Should additional data be forthcoming to demonstrate that this potential impact is not verifiable or attributable to this specific project or found inconsistent with state or federal statute, it may be modified or eliminated.		~~Monthly~~ Quarterly Desert Dry Wash Woodland Monitoring summary memos shall be submitted to BLM and CDFG~~, and CPUC~~ during the construction period of the Project. In addition, ~~annual~~ a Desert Dry Wash Woodland Monitoring report~~s~~ shall be submitted ~~for at least the first three years~~ on the third year following completion of construction of the Project.~~, if found necessary.~~ The summary memos shall contain the monitoring data required as part of the monitoring program requirements under MM-WAT-3. In addition, each Desert Dry Wash Woodland Monitoring Report shall provide maps and text discussion of each study site, changes in plant health and vigor, changes in groundwater levels in the production wells, and the year's monitoring data. If results of the groundwater monitoring program under MM-WAT-3 indicate that the project pumping has resulted in water level decline of ~~one foot~~ five feet or more below the baseline trend, and vegetation monitoring for plant stress, mortality, and water potential have documented one or more of the sampling sites for the four groundwater dependent plant species as reaching the threshold (above), the Project owner shall reduce groundwater pumping until water levels stabilize or recover, provide for temporary supplemental watering, or compensate for additional impacts to desert dry wash woodland at the ratio of 3:1, consistent with Mitigation Measure MM-BIO-2. Estimated acreage of additional dry wash woodland impacts shall be submitted to BLM and ~~CPUC~~ CDFG for approval. Upon approval, the Project owner shall initiate compensation according to the requirements and conditions for habitat compensation as described in Mitigation Measure MM-BIO-2. At the conclusion of the three-year monitoring period for Desert Dry Wash Woodland following completion of Project construction, the Project owner~~, CPUC,~~ and BLM shall jointly evaluate the effectiveness of the Desert Dry Wash Woodland Monitoring and Reporting Plan and determine if monitoring frequencies or procedures should be revised, extended to the operation and decommissioning periods, or eliminated. Should additional data be forthcoming to demonstrate that this potential impact is not verifiable or attributable to this specific project or found inconsistent with state or federal statute, it may be modified or eliminated. **Reason for Modification** The relationship between groundwater level and the health of desert dry wash woodland species is discussed in the PA/FEIS (Section 4.3, *Vegetation*). The discussion centers on a paper that presents data and historic information regarding the effects of agricultural groundwater use on mesquite (*Prosopis spp.*), a documented groundwater-dependent tree (phreatophyte), in Pinal County, Arizona (Jackson and Comus 1999). No mesquite species are found on or near the Project site. Rather, there are three desert dry wash woodland tree species occurring in the Project vicinity: the desert ironwood (*Olneya tesota*), blue palo verde (*Cercidium floridum*) and smoke tree (*Psorothamnus spinosus*) –the fourth species identified in this measure, desert willow (*Chilopsis linearis*), is not present in the vicinity of the Project and is therefore removed from the species listed in this measure. The three identified species are typically considered xerophytes or facultative phreatophytes, rather than obligate phreatophytes that are dependent solely on groundwater. Xerophytes are able to survive in arid environments through adaptations in morphology or physiology that reduce water loss or store water during periods of dryness (e.g., having drought-deciduous leaves or thick cuticles to avoid water loss through transpiration). Facultative phreatophytes are opportunistically associated with groundwater and can develop both lateral roots and tap roots.[1] For these reasons, the threshold of a one-foot drawdown is excessive. In addition, the solar farm lies solely on BLM-administered lands of which the BLM will have primary compliance oversight for ensuring implementation of the

Mitigation Measure in the PA/FEIS*	Adopted (Yes/ Modified)	Modified Mitigation Measure and Reason for Modification
		ROW terms and conditions. This is recognized through the removal of CPUC as an approving agency relative to this mitigation measure. Also, quarterly monitoring versus monthly monitoring is required during construction, and a third-year Desert Dry Wash Woodland Monitoring Report is required versus annual post-construction monitoring at the discretion of the agencies. [1] Ward, D. 2009. The biology of deserts. Oxford Univ. Press. Oxford, Great Britain. 339pp.
MM-WIL-1. American Badger and Desert Kit Fox Protection Plan. To avoid direct impacts to American badgers or desert kit foxes, pre-construction surveys shall be conducted for these species concurrent with the desert tortoise surveys. Surveys shall be conducted as described below: Biological Monitors shall perform pre-construction surveys for badger and kit fox dens in the Project area, including areas within 90 feet of all Project facilities, utility corridors, and access roads. Surveys may be concurrent with desert tortoise surveys. If dens are detected, each den shall be classified as inactive, potentially active, or definitely active. Inactive dens that would be directly impacted by construction activities shall be excavated by hand and backfilled to prevent reuse by badgers or kit foxes. Potentially and definitely active dens that would be directly impacted by construction activities shall be monitored by the Biological Monitor for three consecutive nights using a tracking medium (such as diatomaceous earth or fire clay) and/or infrared camera stations at the entrance. If no tracks are observed in the tracking medium or no photos of the target species are captured after three nights, the den shall be excavated and backfilled by hand. If tracks are observed, and especially if high or low ambient temperatures could potentially result in harm to badger or kit fox from burrow exclusion, various passive hazing methods may be used to discourage occupants from continued use. After verification that the den is unoccupied it shall then be excavated and backfilled by hand to ensure that no badgers or kit foxes are trapped in the den. In the event that passive relocation techniques fail, the Applicant will contact the California Department of Fish and Game to explore other relocation options, which may include trapping.	Modified	**Modified Mitigation Measure MM-WIL-1** **MM-WIL-1**. American Badger and Desert Kit Fox ~~Protection Plan.~~ Monitoring and Mitigation. To avoid direct impacts to American badgers or desert kit foxes, pre-construction surveys shall be conducted for these species concurrent with the desert tortoise surveys. Surveys shall be conducted as described below: Biological Monitors shall perform pre-construction surveys for badger and kit fox dens in the Project area, including areas within 90 feet of all Project facilities, utility corridors, and access roads. Surveys may be concurrent with desert tortoise surveys. If dens are detected, each den shall be classified as inactive, potentially active, or definitely active. Inactive dens that would be directly impacted by construction activities shall be excavated by hand and backfilled to prevent reuse by badgers or kit foxes. Potentially and definitely active dens that would be directly impacted by construction activities shall be monitored by the Biological Monitor for three consecutive nights using a tracking medium (such as diatomaceous earth or fire clay) and/or infrared camera stations at the entrance. If no tracks are observed in the tracking medium or no photos of the target species are captured after three nights, the den shall be excavated and backfilled by hand. If tracks are observed, and especially if high or low ambient temperatures could potentially result in harm to badger or kit fox from burrow exclusion, various passive hazing methods may be used to discourage occupants from continued use. After verification that the den is unoccupied it shall then be excavated and backfilled by hand to ensure that no badgers or kit foxes are trapped in the den. In the event that passive relocation techniques fail, the Applicant will contact the California Department of Fish and Game to explore other relocation options, which may include trapping. **Reason for Modification** This measure sets forth a monitoring plan and subsequent action or mitigation that would be implemented should the species be found to occur on the project site. No separate protection plan is necessary.
MM-WIL-2. Nelson's Bighorn Sheep Protection Plan. If effects to Nelson's Bighorn Sheep cannot be avoided, the Applicant shall consult with the California Department of Fish and Game (CDFG) to determine the appropriate level of restoration and mitigation for effects to essential habitat and/or travel corridors for Nelson's bighorn sheep by implementing the following measures: (a) The project owner shall compensate or replace the permanent loss of Nelson's bighorn sheep habitat at a 1:1 ratio as approved by the CDFG. This may include monetary contributions or donations as mitigation which are tied to programs or activities designed to offset potential resource losses or for mitigation banking for habitat restoration, enhancement, and/or acquisition projects provided that an appropriate and cooperatively developed mitigation agreement has been finalized between the Applicant and CDFG. (b) Compensation or replacement mitigation should be oriented within or adjacent to the project area and designed to rectify the same functions, habitat types and species being impacted wherever possible. Off-site compensation should be considered when mitigation measures cannot be applied to adjacent areas or to benefit the same species	Modified	**Modified Mitigation Measure MM-WIL-2** **MM-WIL-2**. Nelson's Bighorn Sheep ~~Protection Plan.~~ Monitoring and Mitigation. To avoid impacts to Nelson's Bighorn Sheep, pre-construction surveys shall be conducted within 30 days prior to the start of construction. If no occurrence is documented then no further mitigation, compensation, plans or other action would be required. If effects to Nelson's Bighorn Sheep cannot be avoided, the Applicant shall consult with the California Department of Fish and Game (CDFG) to determine the appropriate level of restoration and mitigation for effects to essential habitat and/or travel corridors for Nelson's bighorn sheep by implementing the following measures: (a) The project owner shall compensate or replace the permanent loss of Nelson's bighorn sheep habitat at a 1:1 ratio as approved by the CDFG. This may include monetary contributions or donations as mitigation which are tied to programs or activities designed to offset potential resource losses or for mitigation banking for habitat restoration, enhancement, and/or acquisition projects provided that an

Mitigation Measure in the PA/FEIS*	Adopted (Yes/ Modified)	Modified Mitigation Measure and Reason for Modification
that are impacted. (c) All final actions associated with compensation mitigation will be approved by CDFG to insure that agreements are consistent with the CDFG's Sonoran Desert Mountain Sheep Meta-Population Plan. (d) Any roads or permanent structures built in Nelson's bighorn sheep habitat or movement corridors must be constructed in such a way as to allow continued bighorn movement, except in the case of the Solar Farm and Substation facilities which will be fenced. Some strategies could include under or over passes, ramps cut into steep side slopes, alternatives to continuous guard rails and/or fence specifications along roads that allow sheep movement. Plans for these structures will be developed in coordination with CDFG.		appropriate and cooperatively developed mitigation agreement has been finalized between the Applicant and CDFG. (b) Compensation or replacement mitigation should be oriented within or adjacent to the project area and designed to rectify the same functions, habitat types and species being impacted wherever possible. Off-site compensation should be considered when mitigation measures cannot be applied to adjacent areas or to benefit the same species that are impacted. (c) All final actions associated with compensation mitigation will be approved by CDFG to insure that agreements are consistent with the CDFG's Sonoran Desert Mountain Sheep Meta-Population Plan. (d) Any roads or permanent structures built in Nelson's bighorn sheep habitat or movement corridors must be constructed in such a way as to allow continued bighorn movement, except in the case of the Solar Farm and Substation facilities which will be fenced. Some strategies could include under or over passes, ramps cut into steep side slopes, alternatives to continuous guard rails and/or fence specifications along roads that allow sheep movement. Plans for these structures will be developed in coordination with CDFG. **Reason for Modification** There is the potential for Nelson's Bighorn Sheep to occur on the project site; however, it has not been observed during biological surveys performed to date for the project. Pre-construction surveys would be required to determine the presence or absence of this specie. Should evidence of occurrence be found, subsequent mitigation would be required in accordance with this measure.
MM-WIL-3. Palm Springs Round Tailed Ground Squirrel Protection Plan. If effects to Palm Springs round tailed ground squirrel cannot be avoided, the Applicant shall consult with the California Department of Fish and Game (CDFG) to determine the appropriate level of restoration and/or mitigation for effects to essential habitat for Palm Springs round tailed ground squirrel by implementing the following measures: (a) For Palm Springs ground squirrel habitat that is temporarily disturbed, the Applicant shall develop a project-specific habitat restoration for submittal to CDFG for review and approval. The plan shall consider and include as appropriate the following methods: replacement of topsoil, seedbed preparation, fertilization, seeding of species native to the project area, noxious weed control, and additional erosion control. Generally, the restoration objective shall be to return the disturbed area to a condition that will benefit Palm Springs ground squirrels. The project proponent shall conduct periodic inspection of the restored area. Restoration shall include eliminating any hazards to Palm Springs ground squirrels created by construction, such as holes and trenches in which animals might become entrapped. (b) If adverse effects remain after the project proponent has taken all reasonable on-site mitigation measures, the Applicant must compensate for on-site effects to Palm Springs ground squirrel habitat. The goal of compensation is to prevent the net loss of Palm Springs ground squirrel habitat and make the net effect of a project neutral or positive to Palm Springs ground squirrels by maintaining a habitat base for the species. Compensation ratios can range from 1:1 to 5:1 depending upon: A. Species known to be present on site B. Habitat condition	Yes	

Mitigation Measure in the PA/FEIS*	Adopted (Yes/ Modified)	Modified Mitigation Measure and Reason for Modification
C. Proximity of known disturbances D. Vegetation type The Applicant shall provide habitat compensation lands as mitigation for the Project's impacts to Palm Springs round-tailed ground squirrel. A minimum of three months before the habitat compensation lands are acquired, the Applicant shall submit a proposal identifying the land to be purchased to CDFG for approval. As part of this process, the Applicant shall do the following (as detailed in MM-BIO-2): a. Transfer fee title to CDFG for the habitat compensation lands. b. Provide a preliminary title report, initial hazardous material assessment report and other documents as requested by CDFG. c. Provide CDFG with fees, as determined by CDFG, to provide for the initial protection and enhancement of the habitat compensation lands. d. Conduct a Property Analysis Record (PAR) or PAR-like analysis once the habitat compensation lands have been identified to determine the appropriate endowment amount to fund the in-perpetuity management of the habitat compensation lands.		
MM-WIL-4. Mojave Fringed-toed Lizard Protection Plan. If effects to Mojave Fringed-toed Lizard cannot be avoided, the Applicant shall mitigate for direct and indirect impacts to stabilized and partially stabilized sand dunes and other Mojave fringe-toed lizard habitat by compensating for lost habitat at ratios ranging from 1:1 to 5:1 depending upon (as detailed in MM-BIO-2): A. Species known to be present on site B. Habitat condition C. Proximity of known disturbances D. Vegetation type The Applicant shall provide funding for the acquisition, initial habitat improvements and long-term management of the compensation lands. The habitat compensation requirement, and associated funding requirements based on that acreage will be adjusted if there are changes in the final footprint of the Project. In lieu of acquiring lands itself, the Applicant may ensure funding to complete the land acquisition by providing CDFG and/or USWFS, as appropriate, prior to commencing ground-or vegetation- disturbing activities an irrevocable letter of credit or another form of security as approved by CDFGs Office of General Counsel before ground- or revegetation-disturbing activities begin. The requirements for acquisition, initial improvement and long-term management of compensation lands include all of the following: 1. Criteria for Compensation Lands: The compensation lands selected for acquisition shall: a. Provide suitable habitat for Mojave fringe-toed lizards that is equal to or better than that found in the Project disturbance area, and may include stabilized and partially stabilized desert dunes or sand drifts over playas or Sonoran creosote bush scrub; b. Be within the Chuckwalla Valley with potential to contribute to Mojave fringe-toed lizard habitat connectivity and build linkages between known populations of Mojave fringe-toed lizards and preserve lands with suitable habitat; c. Be connected to lands that are either currently occupied or have high potential to be occupied by Mojave fringe-toed lizard based on patch size and habitat quality; d. Be near larger blocks of lands that are either already protected or planned for protection, or which could feasibly be protected long-term by a public resource	Modified	**Modified Mitigation Measure MM-WIL-4** **MM-WIL-4**. Mojave Fringed-toed Lizard ~~Protection Plan~~. Monitoring and Mitigation. To avoid effects to the Mojave Fringe-toed Lizard, pre-construction surveys shall be conducted within 30 days prior to the start of construction. If no occurrence is documented then no further mitigation, compensation, plans or other action would be required. If effects to Mojave Fringed-toed Lizard cannot be avoided, the Applicant shall mitigate for direct and indirect impacts to stabilized and partially stabilized sand dunes and other Mojave fringe-toed lizard habitat by compensating for lost habitat at ratios ranging from 1:1 to 5:1 depending upon (as detailed in MM-BIO-2): A. Species known to be present on site B. Habitat condition C. Proximity of known disturbances D. Vegetation type The Applicant shall provide funding for the acquisition, initial habitat improvements and long-term management of the compensation lands. The habitat compensation requirement, and associated funding requirements based on that acreage will be adjusted if there are changes in the final footprint of the Project. In lieu of acquiring lands itself, the Applicant may ensure funding to complete the land acquisition by providing CDFG and/or USWFS, as appropriate, prior to commencing ground-or vegetation- disturbing activities an irrevocable letter of credit or another form of security as approved by CDFGs Office of General Counsel before ground- or revegetation-disturbing activities begin. The requirements for acquisition, initial improvement and long-term management of compensation lands include all , or as many as practicable in the judgment of BLM, USFWS, and CDFG, of the following: 1. Criteria for Compensation Lands: The compensation lands selected for acquisition shall: a. Provide suitable habitat for Mojave fringe-toed lizards that is equal to or better than that found in the Project disturbance area, and may include stabilized and partially stabilized desert dunes or sand drifts over playas or Sonoran creosote

Mitigation Measure in the PA/FEIS*	Adopted (Yes/ Modified)	Modified Mitigation Measure and Reason for Modification
agency or a non-governmental organization dedicated to habitat preservation; e. Not have a history of intensive recreational use or other disturbance that might make habitat recovery and restoration infeasible; f. Not be characterized by high densities of invasive species, either on or immediately adjacent to the parcels under consideration, that might jeopardize habitat recovery and restoration; g. Not contain hazardous wastes; h. Not be subject to property constraints (i.e. mineral leases, cultural resources); and i. Be on land for which long-term management is feasible. 2. Security for Implementation of Mitigation: The Applicant shall provide financial assurances to CDFG and/or USFWS that guarantee that an adequate level of funding is available to implement the acquisitions and enhancement of Mojave fringe-toed lizard habitat as described in this condition. These funds shall be used solely for implementation of the measures associated with the Project. Financial assurance can be provided to DFG and/or USFWS in the form of an irrevocable letter of credit, a pledged savings account or Security prior to initiating ground-disturbing project activities. The Security shall be approved by the CDFG and USFWS, to ensure sufficient funding. 3. Preparation of Management Plan: The Applicant shall submit to the CDFG and USFWS a draft Management Plan that that reflects site-specific enhancement measures for the Mojave fringe-toed lizard habitat on the acquired compensation lands. The objective of the Management Plan shall be to enhance the value of the compensation lands for Mojave fringe-toed lizards, and may include enhancement actions such as weed control, fencing to exclude livestock, erosion control, or protection of sand sources or sand transport corridors.		bush scrub; b. Be within the Chuckwalla Valley with potential to contribute to Mojave fringe-toed lizard habitat connectivity and build linkages between known populations of Mojave fringe-toed lizards and preserve lands with suitable habitat; c. Be connected to lands that are either currently occupied or have high potential to be occupied by Mojave fringe-toed lizard based on patch size and habitat quality; d. Be near larger blocks of lands that are either already protected or planned for protection, or which could feasibly be protected long-term by a public resource agency or a non-governmental organization dedicated to habitat preservation; e. Not have a history of intensive recreational use or other disturbance that might make habitat recovery and restoration infeasible; f. Not be characterized by high densities of invasive species, either on or immediately adjacent to the parcels under consideration, that might jeopardize habitat recovery and restoration; g. Not contain hazardous wastes; h. Not be subject to property constraints (i.e. mineral leases, cultural resources); and i. Be on land for which long-term management is feasible. 2. Security for Implementation of Mitigation: The Applicant shall provide financial assurances to CDFG and/or USFWS that guarantee that an adequate level of funding is available to implement the acquisitions and enhancement of Mojave fringe-toed lizard habitat as described in this condition. These funds shall be used solely for implementation of the measures associated with the Project. Financial assurance can be provided to DFG and/or USFWS in the form of an irrevocable letter of credit, a pledged savings account or Security prior to initiating ground-disturbing project activities. The Security shall be approved by the CDFG and USFWS, to ensure sufficient funding. 3. Preparation of Management Plan: The Applicant shall submit to the CDFG and USFWS a draft Management Plan that that reflects site-specific enhancement measures for the Mojave fringe-toed lizard habitat on the acquired compensation lands. The objective of the Management Plan shall be to enhance the value of the compensation lands for Mojave fringe-toed lizards, and may include enhancement actions such as weed control, fencing to exclude livestock, erosion control, or protection of sand sources or sand transport corridors. **Reason for Modification** No occurrences of this specie were documented during the biological surveys performed for the project. In addition, a geomorphology study was undertaken for the project site. It was determined that there are no are no active dune fields on the project site; the project was not within a sand transport corridor; and the project would not have any effects on Aeolian sand migration. For these reasons, a pre-construction survey is being required to determine presence or absence. Should evidence of occurrence be found, subsequent mitigation would be required in accordance with this measure.
MM-WIL-5. Prepare and Implement a Bird Monitoring and Avoidance Plan. Prior to the issuance of a ROW grant, the Applicant shall retain a BLM-approved, qualified biologist to prepare a Bird Monitoring and Avoidance Plan in consultation with CDFG and USFWS. This plan shall follow the	Modified	**Modified Mitigation Measure MM-WIL-5** **MM-WIL-5**. Prepare and Implement a Bird Monitoring and Avoidance Plan. Prior to the

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Avian Protection Plan guidelines outlined by USFWS and Avian Power Line Interaction Committee (APLIC). The plan will require monitoring of (1) the death and injury of birds from collisions with facility features such feeder/distribution lines and solar panels, and (2) impacts to aquatic insects from polarized light from solar panels that may affect insectivorous (insect-eating) birds. The study design shall be approved by BLM in consultation with the CDFG and USFWS. **Bird mortality study**. The bird mortality component of the Bird Monitoring Study shall include at a minimum: detailed specifications on data, a carcass collection protocol, and a rationale justifying the proposed schedule of carcass searches. The study shall also include seasonal trials to assess bias from carcass removal by scavengers as well as searcher bias. Polarized light and insectivorous birds study. The study of polarized light impacts on insectivorous birds shall include at a minimum: detailed specifications regarding data requirements, including protocols for collection and identification of insect eggs found on solar panels, and a rationale for a data collection schedule. During construction and for one year following the beginning of the solar farm operation the biologist shall submit annual reports to BLM, CDFG, and USFWS describing the dates, durations, and results of monitoring and data collection. The annual reports shall provide a detailed description of any project-related bird or wildlife deaths or injuries detected during the monitoring study or at any other time and data collected for the study of polarized light impacts on insectivorous birds. The report shall analyze any project-related bird fatalities or injuries detected, and provides recommendations (in consultation with the County) for future monitoring and any adaptive management actions needed. **Thresholds.** Thresholds will be determined by BLM in consultation with CDFG and USFWS. If BLM determines that either (1) bird mortality caused by solar facilities is substantial and is having potentially adverse impacts on special-status bird populations, or that (2) the attraction of polarized light from solar panels is causing reproductive failure of aquatic insect populations at high enough levels to adversely affect insectivorous special-status birds, the Applicant shall be required to implement some or all of the mitigation measures below. **Implementation Measures.** To minimize bird mortality caused by solar facilities, the Applicant may be required to install additional bird flight diverters, alterations to project components that have been identified as key mortality features, or implement other appropriate actions approved by BLM and regulatory agencies based on the findings of the Bird Monitoring and Avoidance Plan. To minimize indirect impacts of polarized light on insectivorous birds, the Applicant may be required to install non-polarizing white borders and grids on or around solar panels, which Horvath et al. (2010) found to dramatically reduce the attractiveness of solar panels to aquatic insects, or other measures that are shown to be effective. If mitigation actions are required, the annual reporting shall continue until BLM, in consultation with CDFG and USFWS, determines whether more years of monitoring are needed, and whether additional mitigation and adaptive management measures are necessary. After the Bird Monitoring Study is determined by BLM to be complete, the Applicant shall prepare papers that describe the design and monitoring results of the two studies to be submitted to peer-reviewed scientific journals. Proof of submittal shall be provided to BLM, CDFG, and USFWS within one year after the monitoring studies are complete.		issuance of a ROW grant, the Applicant shall retain a BLM-approved, qualified biologist to prepare a Bird Monitoring and Avoidance Plan in consultation with CDFG and USFWS. This plan shall follow the Avian Protection Plan guidelines outlined by USFWS and Avian Power Line Interaction Committee (APLIC). The plan will require monitoring of (1) the death and injury of birds from collisions with facility features such feeder/distribution lines and solar panels~~, and (2) impacts to aquatic insects from polarized light from solar panels that may affect insectivorous (insect eating) birds.~~ The study design shall be approved by BLM in consultation with the CDFG and USFWS. **Bird mortality study**. The bird mortality component of the Bird Monitoring Study shall include at a minimum: detailed specifications on data, a carcass collection protocol, and a rationale justifying the proposed schedule of carcass searches. The study shall also include seasonal trials to assess bias from carcass removal by scavengers as well as searcher bias. ~~Polarized light and insectivorous birds study. The study of polarized light impacts on insectivorous birds shall include at a minimum: detailed specifications regarding data requirements, including protocols for collection and identification of insect eggs found on solar panels, and a rationale for a data collection schedule.~~ During construction and for one year following the beginning of the solar farm operation the biologist shall submit annual reports to BLM, CDFG, and USFWS describing the dates, durations, and results of monitoring and data collection. The annual reports shall provide a detailed description of any project-related bird or wildlife deaths or injuries detected during the monitoring study. ~~or at any other time and data collected for the study of polarized light impacts on insectivorous birds.~~ The report shall analyze any project-related bird fatalities or injuries detected, and provides recommendations (in consultation with the County) for future monitoring and any adaptive management actions needed. **Thresholds.** Thresholds will be determined by BLM in consultation with CDFG and USFWS. If BLM determines that <u>the</u> ~~either (1)~~ bird mortality caused by solar facilities is substantial and is having potentially adverse impacts on special-status bird populations~~, or that (2) the attraction of polarized light from solar panels is causing reproductive failure of aquatic insect populations at high enough levels to adversely affect insectivorous special-status birds,~~ the Applicant shall be required to implement some or all of the mitigation measures below. **Implementation Measures.** To minimize bird mortality caused by solar facilities, the Applicant may be required to install additional bird flight diverters, alterations to project components that have been identified as key mortality features, or implement other appropriate actions approved by BLM and regulatory agencies based on the findings of the Bird Monitoring and Avoidance Plan. ~~To minimize indirect impacts of polarized light on insectivorous birds, the Applicant may be required to install non-polarizing white borders and grids on or around solar panels, which Horvath et al. (2010) found to dramatically reduce the attractiveness of solar panels to aquatic insects, or other measures that are shown to be effective.~~ If mitigation actions are required, the annual reporting shall continue until BLM, in consultation with CDFG and USFWS, determines whether more years of monitoring are needed, and whether additional mitigation and adaptive management measures are necessary. After the Bird Monitoring Study is determined by BLM to be complete, the Applicant shall prepare papers that describe the design and monitoring results of the ~~two studies~~ <u>the study</u> to be submitted to peer-reviewed scientific journals. Proof of submittal shall be provided to BLM, CDFG, and USFWS within one year after the monitoring ~~studies are~~ <u>study is</u> complete. **Reason for Modification** Based on the lack of scientific evidence that polarized light from solar photovoltaic facilities

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		constructed in inland desert regions will have a significant impact on populations of aquatic insects or insectivorous birds and the uncertainty of the effectiveness of the proposed adaptive management measure, parts of the mitigation measure involving impacts of polarized light on aquatic insects or insectivorous birds have been deleted.
MM-WIL-6. Prepare and Implement Golden Eagle Nesting Surveys, Nest Site Monitoring, and Adaptive Management, as described below. Where details of this Mitigation Measure may conflict with Applicant Measure AM-WIL-3, this measure (MM-WIL-6) shall take precedence. 1. For each year during which construction will occur, an inventory of all golden eagle territories within ten miles of project facilities shall be conducted to determine if whether any territory is active. Survey methods for the inventory shall be as described in the Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations (Pagel et al. 2010) or more current guidance from the USFWS. A nesting territory or shall be considered occupied or unoccupied based on criteria in Pagel (2010) or more current guidance from the USFWS. 2. Inventory Data: Data collected during the inventory shall include at least the following: territory status (unknown, vacant, occupied, breeding successful, breeding unsuccessful); nest location, nest elevation; age class of golden eagles observed; nesting chronology; number of young at each visit; digital photographs; and substrate upon which nest is placed. 3. Monitoring and Adaptive Management Plan: If an occupied nest (as defined by Pagel et al. 2010) is detected within 10 miles of any project component, the Project owner or SCE shall prepare and implement a Golden Eagle Monitoring and Management Plan for the duration of construction to ensure that Project construction activities do not result in injury or disturbance to golden eagles. The monitoring methods shall be consistent with those described in the Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations (Pagel et al. 2010) or more current guidance from the USFWS. The Monitoring and Management Plan shall be prepared in consultation with BLM, USFWS, CDFG, and CPUC. It shall be implemented by Desert Sunlight or SCE, according to project component; each applicant shall designate a biologist, to be approved by BLM, USFWS, CDFG, and CPUC. Triggers for adaptive management shall include any evidence of Project-related disturbance to nesting golden eagles, including but not limited to: agitation behavior (displacement, avoidance, and defense); increased vigilance behavior at nest sites; changes in foraging and feeding behavior, or nest site abandonment. The Monitoring and Management Plan shall include a description of adaptive management actions, which shall include, but not be limited to, cessation of construction activities that are deemed by the Designated Biologist to be the source of golden eagle disturbance.	Modified	**Modified Mitigation Measure MM-WIL-6** **MM-WIL-6**. Prepare and Implement Golden Eagle Nesting Surveys, Nest Site Monitoring, and Adaptive Management, as described below. Where details of this Mitigation Measure may conflict with Applicant Measure AM-WIL-3, this measure (MM-WIL-6) shall take precedence. 1. For each year , after commencement of construction ~~during which construction will occur~~, an inventory of all golden eagle territories within ten miles of project facilities shall be conducted to determine if whether any territory is active. Survey methods for the inventory shall be as described in the Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations (Pagel et al. 2010) or more current guidance from the USFWS. A nesting territory or shall be considered occupied or unoccupied based on criteria in Pagel (2010) or more current guidance from the USFWS. 2. Inventory Data: Data collected during the inventory shall include at least the following: territory status (unknown, vacant, occupied, breeding successful, breeding unsuccessful); nest location, nest elevation; age class of golden eagles observed; nesting chronology; number of young at each visit; digital photographs; and substrate upon which nest is placed. 3. Monitoring and Adaptive Management Plan: If an occupied nest (as defined by Pagel et al. 2010) is detected within 10 miles of any project component, the Project owner or SCE shall prepare and implement a Golden Eagle Monitoring and Management Plan for the duration of construction to ensure that Project construction activities do not result in injury or disturbance to golden eagles. The monitoring methods shall be consistent with those described in the Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations (Pagel et al. 2010) or more current guidance from the USFWS. The Monitoring and Management Plan shall be prepared in consultation with BLM, USFWS, CDFG, and CPUC. It shall be implemented by Desert Sunlight or SCE, according to project component; each applicant shall designate a biologist, to be approved by BLM, USFWS, CDFG, and CPUC. Triggers for adaptive management shall include any evidence of Project-related disturbance to nesting golden eagles, including but not limited to: agitation behavior (displacement, avoidance, and defense); increased vigilance behavior at nest sites; changes in foraging and feeding behavior, or nest site abandonment. The Monitoring and Management Plan shall include a description of adaptive management actions~~, which shall include, but not be limited to, cessation of construction activities that are deemed by the Designated Biologist to be the source of golden eagle disturbance~~ . **Reason for Modification** The Designated Biologist would work with the BLM, USFWS and CDFG to determine if additional adaptive management strategies are necessary.
MM-WIL-7: Alternate to long-distance (greater than 500 meters) desert tortoise translocation. The draft Desert Tortoise Translocation Plan defined under Applicant Measure AM-WIL-1 shall be updated to identify and describe, as an alternative to translocation, a strategy to remove desert tortoises on the project site from the wild and place them permanently in facilities approved by	Yes	

Mitigation Measure in the PA/FEIS*	Adopted (Yes/ Modified)	Modified Mitigation Measure and Reason for Modification
USFWS and CDFG, to be fully funded by the applicants. All suitable care or holding facilities for desert tortoises shall be listed and described in the draft plan, and capacity of each facility to accommodate desert tortoises from the project site shall be provided. The updated draft plan and shall be submitted to BLM, CPUC, USFWS and CDFG for review and approval. Upon approval of a final Desert Tortoise Translocation Plan and issuance of state and federal approvals, the applicant (Sunlight and/or SCE), shall either translocate tortoises into the wild or shall permanently place them in approved facilities, consistent with the Final Desert Tortoise Translocation Plan.		
MM-WIL-8: Plans required under Applicant Measures AM WIL-1, AM WIL-2, and AM WIL-3 shall be submitted for review and approval by USFWS, CDFG, BLM and CPUC.	Modified	**Modified Mitigation Measure MM-WIL-8** **MM-WIL-8**: Plans required under Applicant Measures AM WIL-1, AM WIL-2, and AM WIL-3 shall be submitted for review and approval by USFWS, CDFG, BLM, and CPUC <u>in respect to the substation.</u> **Reason for Modification** Language added for purposes of clarifying that CPUC will be responsible for oversight of these measures as they relate to the substation.
MM-WIL-9: This measure applies only to Alternative 2, below. Re-orient Substation Alternative B to reduce movement corridor blockage. The substation shall be either moved to the east, or rotated 90 degrees and moved east (without moving into the Alligator Rock ACEC) so its longer side is parallel to Interstate 10. It shall remain as close as possible to Interstate 10, while avoiding existing utilities, and shall allow a corridor for wildlife movement south of the substation. If this alternative is selected, the design and location of the substation shall be developed with input from BLM's biologists to ensure that the ability of wildlife to move from east to west south of the freeway is retained, and the freeway underpass and stream channel crossings are still accessible to wildlife moving from north to south.	Yes	
MM-CUL-1. The Memorandum of Agreement shall detail the process for activities to proceed in areas where historic properties are now known not to exist; the process for phased completion of field investigations for the evaluation of cultural resources and assessment of effects; a historic property treatment plan (HPTP); procedures to resolve adverse effects under Section 106; coordination between the CEQA process and Section 106 compliance; procedures for treatment of inadvertent discoveries; procedures for determining treatment and disposition of human remains; compliance monitoring; dispute resolution; and tribal participation. Resolution of effects to cultural resources eligible for or listed on the NRHP may include research and documentation, data recovery excavations, curation, public interpretation, use or creation of historic contexts (especially for historic landscapes and the potential DTC-C-AMA historic district), and/or report distribution.	Yes	
MM-CUL-2. On the basis of preliminary CRHR eligibility assessments, NRHP eligibility assessments made under the Memorandum of Agreement, or existing NRHP eligibility determinations, the BLM and CPUC may require the relocation of Project components to avoid or reduce damage to cultural resource values. Where operationally feasible, potentially NRHP-eligible resources shall be protected from direct Project impacts by Project redesign within previously surveyed and analyzed areas.	Yes	
MM-CUL-3. Where the BLM and CPUC decide that CRHR or NRHP-eligible or –listed cultural resources cannot be protected from direct impacts by Project redesign, the Applicant shall comply with appropriate mitigative treatment(s) that will be detailed in the Memorandum of Agreement and cultural resources mitigation and monitoring plan.	Yes	
MM-CUL-4. All CRHR-listed or eligible cultural resources (as determined by the CPUC) and all NRHP-listed or eligible cultural resources (as determined by the BLM) that will not be affected by	Yes	

Mitigation Measure in the PA/FEIS*	Adopted (Yes/ Modified)	Modified Mitigation Measure and Reason for Modification
direct impacts, but are within 50 feet of Project locations, will be monitored by a qualified archaeologist. Protective fencing or other markers, at the BLM's discretion, shall be erected and maintained to protect these resources from inadvertent trespass for the duration of construction in the vicinity.		
MM-CUL-5. The historic property treatment plan that will be included in the Memorandum of Agreement will, at a minimum, employ avoidance, mitigation, and data recovery as mitigation alternatives. As part of the historic property treatment plan, the Applicant shall prepare a research design and a scope of work for evaluation of cultural resources and for data recovery or additional treatment of NRHP-listed or eligible sites that cannot be avoided. Data recovery of most resources would consist of sample excavation and/or surface artifact collection, and site documentation. A possible exception would be a site where burials, cremations, or sacred features are discovered that cannot be avoided. Additional content of the treatment plan will be dictated by the consultations associated with the Memorandum of Agreement.	Yes	
MM-CUL-6. Construction work within 100 feet of cultural resources that require data-recovery fieldwork shall not begin until authorized by the BLM.	Yes	
MM-CUL-7. Archaeological monitoring shall be conducted by a qualified archaeologist familiar with the types of historical and prehistoric resources that could be encountered within the Project area, and under direct supervision of a principal archaeologist. All cultural resources personnel will be approved by the BLM through the agency's Cultural Resource Use Permitting process. A Native American monitor may be required at culturally sensitive locations specified by the BLM following government-to-government consultation with Indian tribes. The monitoring plan shall indicate the locations where Native American monitors will be required and shall specify the tribal affiliation of the required Native American monitor for each location. The Applicant shall retain and schedule any required Native American monitors.	Yes	
MM-CUL-8. In the event of inadvertent discoveries during construction, operation and maintenance, or decommissioning, procedures outlined in the Memorandum of Agreement and the monitoring and mitigation plan will be adhered to. At a minimum, this will include stop work orders in the vicinity of the find, recordation and evaluation of the find by a qualified archaeologist, notification of the find to BLM, and appropriate treatment measures, possibly including data recovery or avoidance.	Yes	
MM-CUL-9. The BLM will continue to consult with Indian tribes to identify sacred sites, TCPs and traditional use areas that might be affected by the Project. If such places are identified, the BLM will consult further with tribes to resolve access impediments or other identified impacts.	Yes	
MM-NOI-1: Sunlight and SCE shall limit construction activity within a quarter mile of an inhabited dwelling to 6:00 AM to 6:00 PM during June through September and 7:00 AM to 6:00 PM during October through May. Certain electrical connection activities at the solar farm site would occur at night for safety reasons, but would not require any heavy equipment operations.	Yes	
MM-SD-01. The NPS shall be afforded the opportunity to review and comment on the following pre-construction plans required for the Project prior to approval of the plans by the BLM and CPUC: the Vegetation Resources Management Plan, the Lighting Mitigation Plan, the Dust Control Plan, the Integrated Weed Management Plan, and the Construction Traffic Control Plan. Review and comment by the NPS must be within time frames specified by the BLM.	Modified	**Modified Mitigation Measure MM-SD-1** **MM-SD-01**. The NPS shall be afforded the opportunity to review and comment on the following pre-construction plans required for the Project prior to approval of the plans by the BLM and CPUC: the Vegetation Resources Management Plan, the Lighting Mitigation Plan, the Dust Control Plan, the Integrated Weed Management Plan, the Construction Traffic Control Plan, and Visual BMPs as required by MM-VR-6. Review and comment by the NPS must be within time frames specified by the BLM. NPS will be involved in weed monitoring and

Mitigation Measure in the PA/FEIS*	Adopted (Yes/ Modified)	Modified Mitigation Measure and Reason for Modification
		treatment as described in the NPS/First Solar MOA.
MM-SD-02. The Applicant shall enter into a funding agreement or other financial mechanism, as may be specified in the Record of Decision or Right-of-Way Grant, to reimburse the NPS for reasonable costs incurred in the monitoring of the following measures (whether applicant-proposed or BLM-recommended) to address temporary indirect impacts on the Joshua Tree National Park: • Fugitive dust: AM AIR 1, AM-AIR 6 and MM-VR-3, concerning the development and implementation of a dust control plan that includes the use of dust palliatives to ensure compliance with SCAQMD Rule 403; MM-AIR 3, requiring annual re-application of dust palliatives at the Solar Farm site; and AM-GEO-2 and AM-GEO-4, as they relate to the suppression of fugitive dust during construction and operation. • Noise: AM-NZ-1, limiting most construction activity to daytime hours. • Nighttime lighting: MM-VR-4, requiring the design and installation of a lighting mitigation plan concerning temporary and permanent exterior lighting.	Modified	**Modified Mitigation Measure MM-SD-02** **MM-SD-02**. The Applicant shall enter into a ~~funding agreement~~ Memorandum of Agreement or other financial mechanism, as may be specified in the Record of Decision or Right-of-Way Grant, to reimburse the NPS for reasonable costs incurred in the monitoring of the following measures (whether applicant-proposed or BLM-recommended) to address temporary indirect impacts on the Joshua Tree National Park: • Fugitive dust: AM AIR 1, AM-AIR 6 and MM-VR-3, concerning the development and implementation of a dust control plan that includes the use of dust palliatives to ensure compliance with SCAQMD Rule 403; MM-AIR 3, requiring annual re-application of dust palliatives at the Solar Farm site; and AM-GEO-2 and AM-GEO-4, as they relate to the suppression of fugitive dust during construction and operation. • Noise: AM-NZ-1, limiting most construction activity to daytime hours (except for limited electrical connection activities) and by employing the use of noise attenuating barrier fencing if construction activity noise levels exceed values commensurate with wilderness characteristic (as determined by established baseline data collected in 2011). Nighttime lighting: MM-VR-4, requiring the design and installation of a lighting mitigation plan concerning temporary and permanent exterior lighting. **Reason for Modification** The language is revised for purposes of clarification.
MM-SD-03. A Signage and Guidance Plan shall be developed for JTNP by the Applicant and reviewed and approved by both the NPS and the BLM prior to the start of construction of the Project. The intent of this plan is to address the potential indirect effects on NPS land as a result of the influx of workers associated with the mobilization, construction, and demobilization of the Project. The plan shall include the following elements: • Design and installation of directional and informational signage that identify areas of JTNP available for day, overnight, and long-term stays; off-limit areas; and pertinent park rules and regulations; • Design and installation of strategically placed gates, bollards, or the like, inside the boundary of JTNP, where deemed necessary, for the purpose of vehicular control on NPS parkland located nearest the Project boundary; • Educational instruction for Project construction workers on park rules and regulations pertinent to JTNP and Joshua Tree Wilderness Area. This instruction shall be integrated into the Worker Environmental Awareness Program; • Requirements for the retention and/or removal of any items installed as part of the plan following completion of construction of the Project; and, • Funding mechanism for implementing the plan. Items installed as part of the plan shall have a nexus to the NPS's need to address the likely impacts associated with above normal numbers of users of JTNP facilities during the mobilization, construction, and demobilization period of the Project.	Modified	**Modified Mitigation Measure MM-SD-03** **MM-SD-03**. A Signage and Guidance Plan shall be developed for JTNP by the Applicant and reviewed and approved by both the NPS and the BLM prior to the start of construction of the Project. The intent of this plan is to address the potential indirect effects on NPS land as a result of the influx of workers associated with the mobilization, construction, and demobilization of the Project. The plan shall include the following elements: • Design and installation of directional and informational signage that identify areas of JTNP available for day, overnight, and long-term stays; off-limit areas; and pertinent park rules and regulations; • Design and installation of strategically placed gates, bollards, wire fencing or the like, inside the boundary of JTNP, where deemed necessary, for the purpose of vehicular control on NPS parkland located nearest the Project boundary; • Educational instruction for Project construction workers ~~by Park Rangers~~, including but not limited to, ~~on~~ park rules and regulations pertinent to JTNP and Joshua Tree Wilderness Area. This instruction shall be integrated into the Worker Environmental Awareness Program; • Requirements for the retention and/or removal of any items installed as part of the plan following completion of construction of the Project; and, • Funding mechanism for implementing the plan. Items installed as part of the plan shall have a nexus to the NPS's need to address the likely impacts associated with above normal numbers of users of JTNP facilities during the mobilization, construction, and demobilization period of the Project.

Mitigation Measure in the PA/FEIS*	Adopted (Yes/ Modified)	Modified Mitigation Measure and Reason for Modification
		Reason for Modification The NPS requested that this measure be modified accordingly, and BLM has agreed.

Mitigation Measure in the PA/FEIS*	Adopted (Yes/ Modified)	Modified Mitigation Measure and Reason for Modification
MM-VR-1: Revegetation. The Applicant and SCE shall minimize the amount of ground surface to be disturbed and revegetate disturbed soil areas, as described below: • Limit Disturbance Areas. The boundaries of all areas to be disturbed (including staging areas, access roads, and sites for temporary placement of spoils) shall be delineated with stakes and flagging before construction, in consultation with the Designated Biologist and VRM specialist. Spoils and topsoil shall be stockpiled in disturbed areas approved by the Designated Biologist. Parking areas, staging and disposal site locations similarly shall be located in areas approved by the Designated Biologist and VRM specialists. All disturbances, Project vehicles and equipment shall be confined to the flagged areas. Vegetation along roadways and boundaries of other disturbed areas shall be scalloped and feathered to reduce the hard line visual impact, especially as seen from Kaiser Road and SR-177. • Minimize Road Impacts. New and existing roads that are planned for construction, widening, or other improvements shall not extend beyond the minimum necessary and flagged as described above. All vehicles passing or turning around shall do so within the planned impact area or in previously disturbed areas. Where new access is required outside of existing roads or the construction zone, the route shall be clearly marked (i.e., flagged or staked) before the onset of construction. • Revegetation of Temporarily Disturbed Areas. The Applicant and SCE shall prepare and implement a revegetation plan to restore all areas subject to temporary disturbance to pre-Project grade and conditions. Temporarily disturbed areas within the Project area include all proposed locations for linear facilities, temporary access roads, construction work temporary lay-down areas, and construction equipment staging areas. No less than 30 days following the publication of the BLM's Record of Decision/ROW Issuance, whichever comes first, the Applicant and SCE shall submit to the BLM a final agency-approved revegetation plan that has been reviewed and approved by the BLM. Within 30 days after completion of Project construction, the Applicant and SCE each shall provide to the BLM for review and approval a written report identifying which items of the revegetation plan have been completed, a summary of all modifications to mitigation measures made during the Project's construction phase, and which items are still outstanding. It shall also include a plan for revegetation monitoring.	Yes	
MM-VR-2: Litter and Trash Control. During construction, all trash and food-related waste shall be placed in self-closing containers and removed weekly as needed from the site.	Yes	
MM-VR-3: Fugitive Dust Control. To minimize fugitive dust on the Project site, a dust control plan shall be developed that will impose limits on the speed of travel for construction vehicles, and will require that dust palliatives be applied to the site, as described in AM-AIR-1 and AM-AIR6, and in compliance with SCAQMD Rule 403.	Yes	
MM-VR-4: Lighting Control. Consistent with safety and security considerations, the Applicant and SCE shall design and install all permanent exterior lighting and all temporary construction lighting such that a) lamps and reflectors are not visible from beyond the Solar Farm site, including any off-site security buffer areas; b) lighting shall not cause excessive reflected glare; c) direct lighting shall not illuminate the nighttime sky, except for required FAA aircraft safety lighting; d) illumination of the Project and its immediate vicinity shall be minimized; e) skyglow caused by Project lighting will be avoided, and f) the plan shall comply with local policies and ordinances. All permanent light sources shall be below 2,500 Kelvin color temperature (warm white) and shall have cutoff angles not to exceed 45 degrees of nadir. The Applicant and SCE shall submit to the BLM and CPUC for	Modified	**Modified Mitigation Measure MM-VR-4** **MM-VR-4**: Lighting Control. Consistent with safety and security considerations, the Applicant and SCE shall design and install all permanent exterior lighting and all temporary construction lighting such that a) lamps and reflectors are not visible from beyond the Solar Farm site, including any off-site security buffer areas; b) lighting shall not cause excessive reflected glare; c) direct lighting shall not illuminate the nighttime sky, except for required FAA aircraft safety lighting; d) illumination of the Project and its immediate vicinity shall be minimized; e) skyglow caused by Project lighting will be avoided, and f) the plan shall comply with local policies and ordinances. All permanent light sources shall be below ~~2,500~~ 3,500 Kelvin color

Mitigation Measure in the PA/FEIS*	Adopted (Yes/ Modified)	Modified Mitigation Measure and Reason for Modification
review and approval a Lighting Mitigation Plan that includes the following: • Specification that LPS or amber LED lighting will be emphasized, and that white lighting (metal halide) would (a) only be used when necessitated by specific work tasks, (b) not be used for dusk-to-dawn lighting, and (c) would be less than 2500 Kelvin color temperature; • Specification and map of all lamp locations, orientations, and intensities, including security, roadway, and task lighting; • Specification of each light fixture and each light shield; • Total estimated outdoor lighting footprint, expressed as lumens or lumens per acre; • Definition of the threshold for substantial contribution to light pollution in Joshua Tree National Park, in coordination with the Night Sky Program Manager (see below); • Specifications on the use of portable truck-mounted lighting; • Lighting design shall consider setbacks of Project features from the site boundary to help satisfy the lighting mitigation requirements; • Light fixtures that are visible from beyond the Project boundary shall have cutoff angles sufficient to prevent lamps and reflectors from being visible beyond the Project boundary; • Specification of motion sensors and other controls to be used, especially for security lighting; • Surface treatment specification that will be employed to minimize glare and skyglow; • Results of a Lumen Analysis (based on final lighting plans), in consultation with the National Park Service (NPS) Night Sky Program Manager (Chad Moore – (970) 491-3700), in order to determine the extent of night lighting exposures in the surrounding NPS lands. If the lighting exposure on NPS lands exceeds the allowable threshold (which is to be determined in consultation with the NPS Night Sky Program Manager and BLM), additional control measures will be instituted to reduce the lighting exposures to levels below the threshold; and • Documentation that coordination with the NPS Night Sky Program Manager and the BLM has occurred.		temperature (warm white) and shall have cutoff angles not to exceed 45 degrees of nadir. The Applicant and SCE shall submit to the BLM and CPUC for review and approval a Lighting Mitigation Plan that includes the following: • Specification that LPS or amber LED lighting will be emphasized, and that white lighting (metal halide) would (a) only be used when necessitated by specific work tasks, (b) not be used for dusk-to-dawn lighting, and (c) would be less than ~~2500~~ 3,500 Kelvin color temperature; • Specification and map of all lamp locations, orientations, and intensities, including security, roadway, and task lighting; • Specification of each light fixture and each light shield; • Total estimated outdoor lighting footprint, expressed as lumens or lumens per acre; • Definition of the threshold for substantial contribution to light pollution in Joshua Tree National Park, in coordination with the Night Sky Program Manager (see below); • Specifications on the use of portable truck-mounted lighting; • Lighting design shall consider setbacks of Project features from the site boundary to help satisfy the lighting mitigation requirements; • Light fixtures that are visible from beyond the Project boundary shall have cutoff angles sufficient to prevent lamps and reflectors from being visible beyond the Project boundary; • Specification of motion sensors and other controls to be used, especially for security lighting; • Surface treatment specification that will be employed to minimize glare and skyglow; • Results of a Lumen Analysis (based on final lighting plans), in consultation with the National Park Service (NPS) Night Sky Program Manager (Chad Moore – (970) 491-3700), in order to determine the extent of night lighting exposures in the surrounding NPS lands. If the lighting exposure on NPS lands exceeds the allowable threshold (which is to be determined in consultation with the NPS Night Sky Program Manager and BLM), additional control measures will be instituted to reduce the lighting exposures to levels below the threshold; and • Documentation that coordination with the NPS Night Sky Program Manager and the BLM has occurred. **Reason for Modification** The NPS has indicated that Kelvin color temperature below 3,500 is acceptable.
MM-VR-5: Surface Treatment of Project Structures/Buildings. The Applicant and SCE shall treat the surfaces of all Project structures and buildings visible to the public such that a) their colors minimize visual contrast by blending with the characteristic landscape colors; b) their colors and finishes do not create excessive glare; and c) their colors and finishes are consistent with local policies and ordinances. The transmission line conductors shall be non-specula and nonreflective, and the insulators shall be nonreflective and nonrefractive. The Applicant and SCE shall comply with BLM requirements regarding appropriate surface treatments for Project elements.	Yes	
MM-VR-6: Project Design. The Applicant and SCE shall use proper design fundamentals to reduce	Yes	

Mitigation Measure in the PA/FEIS*	Adopted (Yes/ Modified)	Modified Mitigation Measure and Reason for Modification
the visual contrast to the characteristic landscape. These include proper siting and location; reduction of visibility; repetition of form, line, color (see Mitigation MM-VR-5) and texture of the landscape; and reduction of unnecessary disturbance. Design strategies to address these fundamentals shall be based on the following factors: • Earthwork: Select locations and alignments that fit into the landforms to minimize the size of cuts and fills. • Vegetation Manipulation: Retain as much of the existing vegetation as possible. Use existing vegetation to screen the development from public viewing. Use scalloped, irregular cleared edges to reduce line contrast. Use irregular clearing shapes to reduce form contrast. Feather and thin the edges of cleared areas and retain a representative mix of plant species and sizes. • Structures: Minimize the number of structures and combine different activities in one structure. Use natural, self-weathering materials and chemical treatments on surfaces to reduce color contrast. Bury all or part of the structure. Use natural appearing forms to complement the characteristic landscape. Screen the structure from view by using natural land forms and vegetation. Reduce the line contrast created by straight edges. Use road aggregate and concrete colors that match the color of the characteristic landscape surface. Co-locate facilities within the same disturbed corridor. • Reclamation and Restoration: Reduce the amount of disturbed area and blend the disturbed areas into the characteristic landscape. Replace soil, brush, rocks, and natural debris over disturbed area. Newly introduce plant species shall be of a form, color, and texture that blends with the landscape. The Applicant and SCE and BLM, in coordination with NPS, shall develop a set of visual resources BMPs to serve as a running list of proven practices to reduce the overall visual contrast of the proposed Project.		
MM-WAT-1 Groundwater Wells, Installation. The Applicant proposes to construct new groundwater wells in support of the Project, that would produce water from the Chuckwalla Valley Groundwater Basin (CVGB). The Project owner shall ensure that the wells are completed in accordance with all applicable state and local water well construction permits and requirements. Prior to initiation of well construction activities, the Project owner shall submit for review and comment a well construction packet to the County of Riverside and fees normally required for the County's well permit, with copies to the Compliance Project Manager (CPM). The Project shall not construct a well or extract and use groundwater until approval has been issued by the county and the CPM to construct and operate the well. Wells permitted and installed as part of pre-construction field investigations that subsequently are planned for use as Project water supply wells require CPM approval prior to their use to supply water to the Project. Post-Well Installation. The Project owner shall provide documentation as required under County permit conditions to the CPM that the well has been properly completed. In accordance with California's Water Code Section 13754, the driller of the well shall submit to the Department of Water Resources (DWR) a Well Completion Report for each well installed. The Project owner shall ensure the Well Completion reports are submitted. The Project owner shall ensure compliance with all County water well standards and the County requirements for the life of the wells, and shall provide the CPM with two copies each of all monitoring or other reports required for compliance with the County of Riverside water well standards and operation requirements, as well as any changes made to the operation of the well.	Yes	
MM-WAT-2 Construction Water Use. The proposed Project's use of groundwater during construction shall not exceed a total of 1,400 AF during the 26-month construction period for the	Yes	

Mitigation Measure in the PA/FEIS*	Adopted (Yes/ Modified)	Modified Mitigation Measure and Reason for Modification
solar farm, 360 AF for the Red Bluff Substation, and 7 AF for the Gen-Tie Line. Before groundwater can be used for construction, the Project owner shall install and maintain metering devices as part of the water supply and distribution system to document Project water use and to monitor and record in gallons per day the total volume of water supplied to the Project from this water source. The metering devices shall be operational for the life of the Project.		
MM-WAT-3 Groundwater Level Monitoring, Mitigation, and Reporting. The Project owner shall submit a Groundwater Level Monitoring, Mitigation, and Reporting Plan to the BLM and CPUC for review and approval in advance of construction and before operation of on-site groundwater supply wells. The Groundwater Level Monitoring, Mitigation, and Reporting Plan shall provide detailed methodology for monitoring background and site groundwater levels. Monitoring shall include pre-construction, construction, and Project operation water use. The plan shall establish pre-construction and Project-related groundwater level and water quality trends that can be quantitatively compared against observed and simulated trends near the Project pumping wells and near potentially impacted existing wells. A. Prior to Project Construction 1. A well reconnaissance shall be conducted to investigate and document the condition of existing water supply wells located within three miles of the Project site, provided that access is granted by the well owners. The reconnaissance shall include sending notices mail to all property owners within a three-mile radius of any the Project area. To further establish baseline conditions in the Project area, historic and current local well data available at federal, state, and local agencies (e.g., USGS, DWR, Riverside County) shall be reviewed and used in the documentation of existing groundwater conditions. A minimum of three existing water supply wells shall be identified and accessible for monitoring purposes. If there is an inadequate number of existing wells, new monitoring wells shall be installed by the Project owner, to equal a total of three groundwater monitoring wells, at locations to be approved by the BLM and CPUC. 2. Monitor to establish preconstruction conditions. The monitoring plan and network of monitoring wells shall use existing wells in the basin that would satisfy the requirements for the monitoring program. The monitoring network shall be defined by existing available data as the area predicted to show a water level change of one foot or more at the end of construction. The projected area of groundwater drawdown shall be refined on an annual basis during Project construction. If the area predicted to show a water level change of one foot increases, the Project owner will be required to submit a revised monitoring plan with additional monitoring wells (if required). 3. Identified additional wells shall be located outside of this area to serve as background monitoring wells. Abandoned wells, or wells no longer in use, that are accessible and provide reliable water level data within the potentially impacted area shall also be included as part of the monitoring network. A site reconnaissance shall be performed to identify wells that could be accessible for monitoring. As access to these wells is available, historical water level, water quality, well construction and well performance information shall be obtained for both pumping and non-pumping conditions. 4. Measure groundwater levels from the off-site and on-site wells within the network and background wells to provide initial groundwater levels for pre-Project trend analysis. 5. Construct water level maps within the CVGB within three miles of the site from the groundwater data collected before construction. Update trend plots and statistical analyses, as data are available. B. During Construction:	Modified	**Modified Mitigation Measure MM-WAT-3** **MM-WAT-3** Groundwater Level Monitoring, Mitigation, and Reporting. The Project owner shall submit a Groundwater Level Monitoring, Mitigation, and Reporting Plan to the BLM and CPUC for review and approval in advance of construction and before operation of on-site groundwater supply wells. The Groundwater Level Monitoring, Mitigation, and Reporting Plan shall provide detailed methodology for monitoring background and site groundwater levels. Monitoring shall include pre-construction, construction, and Project operation water use. The plan shall establish pre-construction and Project-related groundwater level and water quality trends that can be quantitatively compared against observed and simulated trends near the Project pumping wells and near potentially impacted existing wells. A. Determining Baseline ~~Prior to Project Construction~~ 1. A well reconnaissance shall be ~~conducted~~ initiated to investigate and document the condition of existing water supply wells located within three miles of the Project site, provided that access is granted by the well owners. The reconnaissance shall include sending notices by Sunlight via registered mail to all property owners within a three-mile radius of any production wells used for the Project. Reconnaissance shall include sending two (2) notices by registered mail. If no response is received from the property owner within 30 days of the first notice, a second notice shall be sent. If no response from the property owner is received within 15 days of the second notice, it shall be determined that the respective property owner will not participate in any compensation program associated with potential groundwater impacts from the Project. ~~the Project area.~~ To further establish baseline conditions in the Project area, historic and current local well data available at federal, state, and local agencies (e.g., USGS, DWR, Riverside County) shall be reviewed and used in the documentation of existing groundwater conditions. A minimum of three existing water supply wells shall be identified and accessible for monitoring purposes. If there is an inadequate number of existing wells, new monitoring wells shall be installed by the Project owner, to equal a total of three groundwater monitoring wells, at locations to be approved by the BLM ~~and~~ and/or CPUC. 2. Monitor to establish preconstruction conditions. The monitoring plan and network of monitoring wells shall use existing wells in the basin that would satisfy the requirements for the monitoring program. The monitoring network shall be defined by existing available data as the area predicted to show a water level change of one foot or more at the end of construction. The projected area of groundwater drawdown shall be refined on an annual basis during Project construction. If the area predicted to show a water level change of one foot increases, the Project owner will be required to submit a revised monitoring plan with additional monitoring wells (if required). 3. Identified additional wells shall be located outside of this area to serve as background monitoring wells. Abandoned wells, or wells no longer in use, that are accessible and provide reliable water level data within the potentially impacted area shall also be included as part of the monitoring network. A site reconnaissance shall be performed to identify wells that could be accessible for monitoring. As access to

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1. Collect water levels from wells within the monitoring network and flows from seeps and/or springs on a quarterly basis throughout the construction period and at the end of the construction period. Perform statistical trend analysis for water levels. Assess the significance of an apparent trend and estimate the magnitude of that trend. 2. On a quarterly basis during construction, collect water level measurements from any wells identified in the groundwater monitoring program to evaluate operational influence from the Project. Quarterly operational parameters (pumping rate) of the water supply wells shall be monitored. Additionally, quarterly groundwater use in the CVGB shall be estimated based on available data. 3. On an annual basis, perform statistical trend analysis for water level data and comparison to predicted water level declines caused by Project pumping. Analysis of the significance of an apparent trend shall be determined and the magnitude of that trend estimated. Based on the results of the statistical trend analyses and comparison to predicted water level declines due to Project pumping, the Project owner shall determine the area where the Project pumping has induced a drawdown in the water supply at a level of five feet or more below the baseline trend. 4. If water levels have been lowered more than five feet below pre-site operational trends, and monitoring data provided by the Project owner show these water level changes are different from background trends and are caused by Project pumping, then the Project owner shall provide mitigation to the impacted well owner or owners. Mitigation shall be provided to the impacted well owners that experience five feet or more of Project-induced drawdown if the CPM's inspection of the well monitoring data confirms changes to water levels and water level trends relative to measured pre-Project water levels, and the well (private owner's well in question) yield or performance has been significantly affected by Project pumping. The type and extent of mitigation shall be determined by the amount of water level decline induced by the Project, the type of impact, and site-specific well construction and water use characteristics. If an impact is determined to be caused by drawdown from more than one source, the level of mitigation provided shall be proportional to the amount of drawdown induced by the Project relative to other sources. To be eligible, a well owner must provide documentation of the well location and construction, including pump intake depth, and that the well was constructed and usable before Project pumping was initiated. The mitigation of impacts shall be determined as follows: a. If groundwater monitoring data indicate Project pumping has lowered water levels below the top of the well screen, and the well yield is shown to have decreased by 10 percent or more of the pre-Project average seasonal yield, compensation shall be provided for the diagnosis and maintenance to treat and remove encrustation from the well screen. Reimbursement shall be provided at an amount equal to the customary local cost of performing the necessary diagnosis and maintenance for well screen encrustation. If with treatment the well yield is incapable of meeting 110 percent of the well owner's maximum daily demand, dry season demand, or annual demand, the well owner should be compensated by reimbursement or well replacement. b. If Project pumping has lowered water levels to significantly affect well yield so that it can no longer meet its intended purpose, causes the well to go dry, or causes casing collapse, payment or reimbursement of an amount equal to the cost of deepening or replacing the well shall be provided to accommodate these effects. Payment or reimbursement shall be at an amount equal to the		these wells is available, historical water level, water quality, well construction and well performance information shall be obtained for both pumping and non-pumping conditions. 4. Measure groundwater levels from the off-site and on-site wells within the network and background wells to provide initial groundwater levels for pre-Project trend analysis. 5. Construct water level maps within the CVGB within three miles of the site from the groundwater data collected before construction. Update trend plots and statistical analyses, as data are available. B. During Construction: 1. Collect water levels from wells within the monitoring network and flows from seeps and/or springs within three miles of the production wells on a quarterly basis throughout the construction period and at the end of the construction period. Perform statistical trend analysis for water levels. Assess the significance of an apparent trend and estimate the magnitude of that trend. 2. On a quarterly basis during construction, collect water level measurements from any wells identified in the groundwater monitoring program to evaluate operational influence from the Project. Quarterly operational parameters (pumping rate) of the water supply wells shall be monitored. Additionally, quarterly groundwater use in the CVGB shall be estimated based on available data. 3. On an annual basis, perform statistical trend analysis for water level data and comparison to predicted water level declines caused by Project pumping. Analysis of the significance of an apparent trend shall be determined and the magnitude of that trend estimated. Based on the results of the statistical trend analyses and comparison to predicted water level declines due to Project pumping, the Project owner shall determine the area where the Project pumping has induced a drawdown in the water supply at a level of five feet or more below the baseline trend. 4. If water levels have been lowered more than five feet below pre-site operational trends, and monitoring data provided by the Project owner show these water level changes are different from background trends and are caused by Project pumping, then the Project owner shall provide mitigation to the impacted well owner or owners. Mitigation shall be provided to the impacted well owners that experience five feet or more of Project-induced drawdown if the ~~CPM's~~ Compliance Manager's (CM) inspection of the well monitoring data confirms changes to water levels and water level trends relative to measured pre-Project water levels, and the well (private owner's well in question) yield or performance has been significantly affected by Project pumping. The type and extent of mitigation shall be determined by the amount of water level decline induced by the Project, the type of impact, and site-specific well construction and water use characteristics. If an impact is determined to be caused by drawdown from more than one source, the level of mitigation provided shall be proportional to the amount of drawdown induced by the Project relative to other sources. To be eligible, a well owner must provide documentation of the well location and construction, including pump intake depth, and that the well was constructed and usable before Project pumping was initiated. The mitigation of impacts shall be determined as follows: a. If groundwater monitoring data indicate Project pumping has lowered water levels below the top of the well screen, and the well yield is shown to have decreased by 10 percent or more of the pre-Project average

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customary local cost of deepening the existing well or constructing a new well of comparable design and yield (only deeper). The demand for water, which determines the required well yield, shall be determined on a per-well basis using well owner interviews and field verification of property conditions and water requirements compiled as part of the pre-Project well reconnaissance. Well yield shall be considered significantly impacted if it is incapable of meeting 110 percent of the well owner's maximum daily demand, dry-season demand, or annual demand – assuming the pre-Project well yield documented by the initial well reconnaissance met or exceeded these yield levels. c. Pump lowering – In the event that groundwater is lowered as a result of Project pumping to an extent where pumps are exposed but well screens remain submerged, the pumps shall be lowered to maintain production in the well. The Project shall reimburse the impacted well owner for the costs associated with lowering pumps. d. Deepening of wells – If the groundwater is lowered enough as a result of Project pumping that well screens or pump intakes are exposed, and pump lowering is not an option, such affected wells shall be deepened or new wells constructed. The Project owner shall reimburse the impacted well owner for all costs associated with deepening existing wells or constructing new wells. 5. Groundwater monitoring required per this mitigation measure shall continue for a minimum of five years after Project construction is complete. At that time, the BLM and CPUC shall evaluate the data and determine if the monitoring program for water level measurements should be revised or eliminated. Revision or elimination of any monitoring program elements shall be based on the consistency of the data collected. The determination of whether the monitoring program should be revised or eliminated shall be made by the BLM and CPUC. 6. If mitigation includes monetary compensation, the Project owner shall provide documentation to the CPM that compensation has been made by March 31 of the year compensation is determined to be required. Within 30 days after compensation is paid, the Project owner shall submit to the CPM documentation that the compensation has been paid. 7. During the life of the groundwater monitoring program, the Project owner shall provide to the CPM all monitoring reports, complaints, studies, and other relevant data within 10 days after they have been received by the Project owner.		seasonal yield, compensation shall be provided for the diagnosis and maintenance to treat and remove encrustation from the well screen. Reimbursement shall be provided at an amount equal to the customary local cost of performing the necessary diagnosis and maintenance for well screen encrustation. If with treatment the well yield is incapable of meeting 110 percent of the well owner's maximum daily demand, dry season demand, or annual demand, the well owner should be compensated by reimbursement or well replacement. b. If Project pumping has lowered water levels to significantly affect well yield so that it can no longer meet its intended purpose, causes the well to go dry, or causes casing collapse, payment or reimbursement of an amount equal to the cost of deepening or replacing the well shall be provided to accommodate these effects. Payment or reimbursement shall be at an amount equal to the customary local cost of deepening the existing well or constructing a new well of comparable design and yield (only deeper). The demand for water, which determines the required well yield, shall be determined on a per-well basis using well owner interviews and field verification of property conditions and water requirements compiled as part of the pre-Project well reconnaissance. Well yield shall be considered significantly impacted if it is incapable of meeting 110 percent of the well owner's maximum daily demand, dry-season demand, or annual demand – assuming the pre-Project well yield documented by the initial well reconnaissance met or exceeded these yield levels. c. Pump lowering – In the event that groundwater is lowered as a result of Project pumping to an extent where pumps are exposed but well screens remain submerged, the pumps shall be lowered to maintain production in the well. The Project shall reimburse the impacted well owner for the costs associated with lowering pumps. d. Deepening of wells – If the groundwater is lowered enough as a result of Project pumping that well screens or pump intakes are exposed, and pump lowering is not an option, such affected wells shall be deepened or new wells constructed. The Project owner shall reimburse the impacted well owner for all costs associated with deepening existing wells or constructing new wells. 5. Groundwater monitoring required per this mitigation measure shall continue for a minimum of ~~five~~ three years after Project construction is complete. At that time, the BLM and CPUC shall evaluate the data and determine if the monitoring program for water level measurements should be revised or eliminated. Revision or elimination of any monitoring program elements shall be based on the consistency of the data collected. The determination of whether the monitoring program should be revised or eliminated shall be made by the BLM and CPUC. 6. If mitigation includes monetary compensation, the Project owner shall provide documentation to the ~~CPM~~ CM that compensation has been made by March 31 of the year compensation is determined to be required. Within 30 days after compensation is paid, the Project owner shall submit to the ~~CPM~~ CM documentation that the compensation has been paid. 7. During the life of the groundwater monitoring program, the Project owner shall

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		provide to the ~~CPM~~ CM all monitoring reports, complaints, studies, and other relevant data within 10 days after they have been received by the Project owner. **Reason for Modification** The revised language is added to stipulate that existing well owners within three miles of the production wells used by the Project must agree to participate in the documentation of existing conditions of their supply wells to be eligible to participate in any compensation program associated with any potential groundwater impacts. The groundwater monitoring network related to MM-WAT-3 is a three-mile radius from the production wells used for the project. During the operational phase there would be a minimal amount of groundwater demand – estimated at 0.2 acre-foot per year, which amounts to less than one percent of the Project's groundwater pumping during construction. For this reason, the monitoring of groundwater levels for three years after project construction is deemed to be adequate. At that time, the responsible agencies have the opportunity to determine if further monitoring is necessary. Section B(5) has been revised to recognize this modification. The title Compliance Program Manager (CPM) is changed to Compliance Manager (CM).
MM-WAT-4 Mitigation for the Use of Fencing. Desert tortoise exclusion fencing and security fencing shall be installed around the entire perimeter of the Project site as described in AM-WIL-1. During construction the desert tortoise exclusion fence will be inspected on a daily basis to ensure the integrity of the fence is maintained. During operation of the Project, fence inspections shall occur at least once per month throughout the life of the Project, and within 24 hours after storms or other events that might affect the integrity and function of desert tortoise exclusion fences. Fence repairs shall be completed within two days (48 hours) of detecting problems that affect the functioning of the desert tortoise exclusion fencing. If fence damage occurs during any time of year when tortoises may be active, the Project owner shall be responsible for monitoring the site of the damaged fence until it is fully repaired, to prevent a desert tortoise from entering the Project area. All incidents of damaged tortoise exclusion fence, including dates of damage and repair; extent of damage, and monitoring summaries (methods and results), shall be reported to the BLM, CPM, CDFG, and USFWS. All wildlife found entrapped or dead in the fence shall be reported to the BLM, CPM, CDFG, and USFWS. Fencing shall be installed with breakaway design features so as not to interfere with or impede storm water or flood flows, or associated sediment loads.	Yes	
MM-WAT-5 Construction Period Storm Water Quality. As discussed previously, the waterways that would be affected as a result of Project implementation would not be considered jurisdictional waters under the federal Clean Water Act. As a result, no NPDES permits would be required within the Project area during construction or operation. Therefore, a comprehensive construction-period water quality control plan shall be generated, and recommendations of the plan shall be adhered to. The plan shall be completed by the Applicant before Project construction begins and shall include an evaluation of potential for construction-related storm water pollutant loading that could result from Project construction. The plan shall address and implement all of the issues and recommendations of the Storm Water Pollution Prevention Plan (SWPPP). This mitigation measure requires that a SWPPP for Project construction and decommissioning is prepared prior to commencing with either action. The plan shall evaluate potential for erosion and sedimentation to occur on site and downstream as a result of construction, as well as potential for construction-related releases of fuels, oils, solvents, concrete wash-out, greases, paints, and other potential water quality pollutants to become entrained in storm water, or otherwise result in the degradation of surface water or groundwater quality. The evaluation shall implement specific measures to minimize potential effects on water quality. These measures may include, but would not be limited to, installation of temporary settling basins,	Yes	

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stabilization of disturbed soils, replanting vegetation after disturbance, limitations on construction during wet periods, installation of temporary erosion control devices (fiber rolls, staked straw bales, detention basins, check dams, geofabric, dikes, and temporary revegetation), covering stockpiled loose material during rain events, equipment maintenance to prevent leaks, application of erosion protection to cut and fill slopes, and other BMPs. Sediment shall be retained on site by sediment basins, traps, or other measures. No disturbed surfaces shall be left without erosion control measures in place during the rainy season. Recommendations from the plan shall be applied during construction of all Project-related components.		
MM-WAT-6 Operation Period Storm Water Flows and Quality. As discussed previously, the waterways that would be affected as a result of Project implementation would not be considered jurisdictional waters under the federal Clean Water Act. As a result, no NPDES permits would be required within the Project area during Project construction or operation. Therefore, the following mitigation measure provides for the explicit implementation of an operations period water quality control program to minimize storm water-related discharges of sediment and other pollutants from the Project site during Project operations. A comprehensive operation-period storm water and flood drainage and water quality control plan shall be completed, and the recommendations of the plan shall be implemented by the Applicant. The plan shall evaluate potential for the Project to exceed storm water discharges during 10-year and 100-year storm events, and shall ensure that the volume of discharge emanating from the Project site during these events is limited to an increase of no more than one percent, in comparison to existing conditions. To meet this condition, storm water shall be retained in on-site storm water retention ponds, infiltration basins, or other storm water control facilities. Channel design for flood control along the Project perimeter shall be sized and designed to minimize scour and disruption to upstream and downstream hydrology, including measures to prevent headcutting, migration of channels, erosion, and downstream sedimentation, under conditions equivalent to a 100-year flood. The plan shall also evaluate and mitigate relevant potential sources of water quality pollution associated with Project operation. These sources include, but are not limited to, release of sediment, oils, greases, transformer fluid, fuels, paint, trash, pollutants from impervious surfaces (asphalt oils, greases, and brake dust) and other water quality pollutants arising during operation. The plan shall identify operation-period BMPs, including but not limited to implementation of operation period settlement basins, swales, infiltration basins, regularly scheduled maintenance of proposed drainage and flood control facilities to prevent erosion and sedimentation, and storm water quality control BMPs including, but not limited to, regular sweeping of impervious surfaces, equipment maintenance to prevent leaks, replanting native vegetation, and other measures as applicable to minimize potential impacts to storm water quality.	Yes	

*Applicant Measures (AM) identified in the PA/FEIS are considered part of the Project.